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NOTE

from : General Secretariat
to : Working Party on Cooperation in Criminal Matters

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Subject : Initiative presented by the Federal Republic of Germany and the French Republic with a view to the adoption by the Council of a Framework Decision on the recognition and supervision of suspended sentences and alternative sanctions

With a view to preparing the above Initiative, the Federal Ministry of Justice of Germany sent on 21 July 2006 a letter to the Member States, together with a questionnaire.

Delegations will find attached, for information:

1. The English language version of the letter sent on 21 July 2006 by the Federal Ministry of Justice of Germany to the Member States (Annex I).
2. The questionnaire which accompanied this letter (Annex II).
3. A compilation by the German Federal Ministry of Justice of the answers received from delegations in reply to this questionnaire (Annex III).

Letter sent by the Federal Ministry of Justice of Germany to Member States

Dear Sir / Madam,

The Federal Ministry of Justice has the honour of informing you that the German federal government, in coordination with the Commission, is considering the preparation of a proposal for a Framework Decision on cross-border supervision of sentences of probation or conditional sentences.

The current draft of a Framework Decision regarding the principle of mutual recognition of judgments in criminal matters which involve a sentence to a term of imprisonment or other measure involving deprivation of liberty for the purpose of their enforcement in the European Union (European enforcement order), currently being considered in the “Cooperation in Criminal Matters” Council Working Group, among other things regulates the question of whether and under what conditions a transferred person may be released early from imprisonment in the enforcing country and have the remainder of the sentence suspended on probation. Pursuant thereto, the executing state decides exclusively pursuant to its domestic law regarding probation for the remainder of the sentence.

In contrast, the Framework Decision on the European enforcement order does not include any regulation for those cases in which the court of one Member State suspends execution of the prison sentence – from the outset or after a portion of the punishment has been served – on probation or imposes a conditional sentence, and the affected person thereafter goes to another Member State, be it his home state or another Member State in which he has his permanent place of residence. If the court imposes certain conditions and instructions as measures accompanying probation, the question arises of the extent to which these measures may be executed in another Member State.

1. To date, the only international law instrument on cross-border supervision of probation is the Council of Europe Convention of 30 November 1964 on the supervision of conditionally sentenced or conditionally released offenders, which entered into force in 1975. This Convention has thus far been ratified only by 12 Member States; some of them expressing numerous reservations.

The topic was addressed in the year 2001 under the Belgian Presidency in the “Cooperation in Criminal Matters” Council Working Group. In a dossier dated 6 July 2001 (Doc. 10646/01 COPEN 36), regulations were considered whereby the conditions imposed in a Member State upon suspending execution of the sentence on probation would be enforced in other Member States as well. Plans were to assess the extent to which a continued development of the measures contained in the above-mentioned Council of Europe Convention could be considered based upon the principle of the mutual recognition of judicial decisions in criminal matters. The endeavour has thus far not been pursued further.

In its communication dated 10 May 2005 on the Hague Programme (Doc. COM (2005) 184 final), the Commission listed as Point 290 of its list of endeavours a “Proposal on recognition and execution of alternative sanctions and on suspended sentences” as a possible endeavour.

2. There are thus currently no rules applicable in all Member States of the European Union which allow for the supervision and execution of measures not involving deprivation of liberty in a Member State in which a person has his habitual place of residence (hereinafter: state of residence) who has been convicted in another Member State (hereinafter: issuing state) to a term of probation, or if such a sentence has been imposed only pursuant to certain conditions.

A possible result of this is that the measures arrived at by the court, which are generally a precondition for suspension of sentence and/or conditional sentencing due to the possibility of revocation, would completely lose their effect. Thus, neither the specific preventive aims and the notion of resocialisation, nor the character of the conditions and instructions as a type of punishment, are effectively expressed.

This results in the danger that the court, in the case of defendants who have their habitual place of residence abroad, will from the outset decline to suspend a sentence on probation or impose a conditional sentence, and instead impose a prison sentence to be executed in any case only because a supervision of probation is not possible abroad and the court wishes to avoid having the sentenced person evade the sanctions by returning to his home country.

Both of these options would neither be consistent with substantive justice, nor would they be desirable in terms of the endeavoured reconciliation of the offender and the endeavours of the Member States to counter overcrowding in prisons. In some situations, the lacking transferability of supervision of probation might lead to the particularly disadvantageous result that, if the convicted person leaves the issuing state at a later date, initiated measures such as drug abuse therapy or community service work would be interrupted.

3. A possible core subject matter regulated in a Framework Decision on mutual recognition could be the obligation on the part of the Member States (as states of residence) to treat the conditions and instructions imposed by the court of the issuing state in the case of suspended sentences or conditional sentencing in the same way as if the decision were made by their own courts. The court of the issuing state is to transfer the supervision of probation to the competent authorities of the Member State where the sentenced person has his habitual place of residence. A court of the state of residence could also be competent for all subsequent decisions, such as revocation and pardon.

However, a precondition for this would be a certain conformity among the systems for supervising probation which currently exist in the individual Member States. Therefore, the goal of the attached questionnaire is to gain insight into the relevant regulations in the respective legal systems of the Member States. Evaluation of the responses will facilitate the decision of how the regulations of a possible draft of a Framework Decision may be designed.

The Federal Ministry of Justice would appreciate receiving your response to the questionnaire by 15 September 2006.

In the case of questions, please contact Public Prosecutor Ulrich Staudigl, Federal Ministry of Justice, Berlin, Tel. + 49 30 2025 9827, e-mail: staudigl-ul@bmj.bund.de, who will be happy to provide assistance.

We would like to thank you in advance for your support.

Yours sincerely

For the Federal Ministry of Justice,

Dr. Herrnfeld

Questionnaire which accompanied the letter set out in Annex I

Response: _____ (Country)

Potential Proposal for a Framework Decision on Cross-border Supervision of Probation

Questionnaire

Criteria for suspension of sentence

1. Does your domestic law provide for the possibility of suspending, in whole or in part, enforcement of a prison sentence on probation or another form of deferral of enforcement of a prison sentence, either in whole or in part? If so, please describe the regulation (e.g. conviction with suspension of execution on probation for a certain period of time or conditional sentence which takes effect only if the offender violates the conditions of probation).
2. May the punishment be suspended, either in whole or in part, as early as at the time of imposition (immediate suspension of enforcement of the sentence on probation and/or conditional sentence), or only after part of the prison term has been served (conditional release)? (Multiple responses possible)

Upon imposition in whole

Upon imposition in part

following enforcement of a portion of the prison term

3. Under what conditions may enforcement of a prison sentence be suspended on probation?
(Here and in the following, this means all forms of suspension of sentence mentioned under question 1, deferral of enforcement, conditional sentencing, or similar measures.)

4. Which court or institution is competent in this regard?

5. What is the maximum length of a prison sentence whose enforcement may be suspended on probation?

Duration of probation

6. How long may the period of probation last?

7. May the period of probation be subsequently shortened or lengthened? Under what conditions?

8. Who is competent for the decision regarding the duration of the period of probation?

Conditions, instructions and other measures

9. May suspension of a prison sentence on probation be connected with certain conditions and/or instructions, or can the affected person be sentenced to fulfil certain obligations? May other measures be connected with the suspension of sentence?

Yes

No

If so: What are they? (please provide a brief description of the conditions, instructions or other measures)

10. Does the possibility exist of appointing a probation officer for the sentenced person or providing other probation assistance? Under what conditions? Who or which authority provides probation assistance?
11. Who is responsible for decisions regarding the imposition of conditions and instructions and the appointment of a probation officer? In what form are decisions made thereupon?
12. May probation measures be subsequently changed or be adapted to certain new circumstances? Under what conditions?

Violation of conditions, instructions or other measures connected with the suspension of sentence on probation or similar measures

13. Does your law provide for the possibility of revoking the suspension of enforcement of a prison sentence in whole or in part, or revoking or otherwise nullifying another type of deferral of enforcement of a prison sentence in whole or in part if the affected person has violated a condition, instruction or another measure connected with the suspension of the sentence on probation?

Yes

No

If so: Under what conditions / for what reason(s) / What are the concrete consequences of the revocation, nullification of the suspension, or other method of reversal of suspension?

If not: What are the consequences of a violation of conditions, instructions or other measures connected with the suspension of sentence on probation or similar measures, or renewed delinquency?

14. Which court or which institution is competent for making decisions about the consequences enumerated in question 13 (yes and no options)?

15. Which court or which institution is competent for supervising probation?

16. How does the court or institution competent for supervising probation become aware of a renewed conviction or a consequence in the sense of question 13? Is this court or institution also made aware of other information such as, e.g., execution of an order of remand detention, preferment of charges, opening of the main proceeding, etc.?

Termination of the period of probation or the period in which the enforcement of a term of imprisonment was deferred in another form

17. What happens after this period has terminated? Does the possibility exist of thereafter pardoning the remainder of the sentence? Does this occur without any additional action, or is a decision by a court or institution necessary?

Legal remedies

18. In the case that a decision regarding the suspension of enforcement of a prison sentence on probation, in whole or in part, or regarding another form of deferral of enforcement of a prison sentence, in whole or in part – either with its imposition or not until enforcement of a portion of the prison sentence – is not issued by a court: Does your domestic law provide for legal remedies to a court for the person affected? If yes, please describe the regulation.

Independent alternative sanctions

19. Does your law call for the imposition of independent alternative sanctions, meaning sanctions that are not connected with deprivation of liberty, and for which no sentence of imprisonment is imposed in the case that the person affected does not comply with the obligations imposed upon sentencing? If so: Which types of independent alternative sanctions does your law provide for?

Do you see a need to establish regulations regarding cross-border cooperation in connection with independent alternative sanctions?

Cross-border cooperation

20. How do you assess the practical relevance of a regulation regarding cross-border supervision of probation? Have you gained any relevant experience from the judicial practice of your country? Does such experience indicate any problems in imposing a sentence of probation, or another form of deferring the enforcement of a term of imprisonment against EU foreigners or in terms of the cross-border supervision of conditions of probation?

21. Do you have any contractual regulations with other Member States that govern questions of cross-border supervision of probation, and do such agreements find practical application? Have there been any problems in practice in applying such contractual regulations?

22. What additional information do you find necessary in terms of assessing the comparability of the systems in the Member States?

23. Would you welcome in principle an EU instrument on cross-border supervision of probation?

Contact person / Person responsible for responding to the questionnaire:

Ms / Mr:

Title / position:

Authority:

Postal address:

E-mail address:

Telephone number:

Fax number:

Compilation by the Federal Ministry of Justice of Germany of the answers received from delegations in reply to the questionnaire set out in Annex II

Member State: Austria (AT)

	Questionnaire	Answers
Suspension of sentence		
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Immediate suspension of enforcement in whole or in part; conditional release; in juvenile cases: later sentencing possible
3.	Conditions	Conditional sentence: if no special or general preventive reasons argue against suspension; Conditional release: when it can be assumed that the convicted person will not commit further crimes (earliest after 3 months, reg. after 1/2 or 2/3 of the sentence)
4.	Competent court or institution	Conditional sentence: Convicting court Conditional release: Enforcement court
5.	Max. length of the prison sentence which may be suspended	2 years (3 years, if a convicted person who is addicted to drugs successfully undergoes health-related measures and if the provisions of par. 43a (4) of the criminal code are fulfilled)
Duration of probation		
6.	How long may the period of probation last?	Conditional sentence: Min. 1 year, max. 3 years Conditional release: depends on the remaining penalty, reg. max. 3 years, at most 5 years; conditional release from life sentence: 10 years
7.	Period subsequently alterable?	Upon a waiver of revocation of a conditional sentence on probation (as a result of new crimes), extension to at most 5 years; in case of a conditional release from life sentence: extension to at most 15 years
8.	Competence	Enforcement Court (decides on length of the period of probation in case of conditional release)

Conditions, instructions and other measures	
9.	Possibility of connecting conditions with suspension: description of measures
10.	Probation Assistance
11.	Competence
12.	Probation measures subsequently alterable?
Violation of conditions, instructions and other measures	
13.	Revocation
14.	Competence
15.	Court/Institution which supervises probation
16.	Exchange of information
Termination of the period of probation / Legal remedies	
17.	What happens after the period of probation has terminated?
18.	Legal remedies in case of decisions which are not made by a court

Independent alternative sanctions

- | | | |
|------------|------------------------------------|---------------------------------------------------------------------------------------|
| 19. | Independent alternative sanctions? | No (indication of the prosecutor's decisions in case of withdrawing from prosecution) |
| 20. | Cross-border cooperation required? | Yes, in the area of Article 54 of the Convention Implementing the Schengen Agreement |

Cross-border cooperation

- | | | |
|------------|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| 21. | Practical relevance | No experience |
| 22. | Contractual regulations with other Member States? | European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (ratified) |
| 23. | Additional information necessary? | - |
| 24. | Welcome in principle an EU instrument? | Welcomed in principle, but no particular priority |

Member State: Belgium (BE)

	Questionnaire	Answers
	Suspension of sentence	
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Immediate suspension without pronouncing a conviction or “sursis” (suspension) of the enforcement of a “pronounced” prison sentence upon imposition in whole or in part; conditional release (as a different way of a continued execution)
3.	Conditions	No earlier conviction of more than 6 months and the consent of the person .(suspension), 12 months (sursis); Conditional release after 1/3 of sentence (2/3 in case of certain repeat offences), have served 10 yrs of life imprisonment and 14 yrs in case of recidivism, certain conditions concerning rehabilitation, accommodation, guidance; no contra-indication
4.	Competent court or institution	Criminal Court (suspension/sursis – for sursis there may be a limit of 6monthe or 3 yrs)) Conditional release: Up to now administrative authority (“commission de liberation conditionnelle”); from 2007: Juge / Tribunal de l’application des peines)
5.	Max. length of the prison sentence which may be suspended	Max. 5 years (suspension / sursis)
	Duration of probation	
6.	How long may the period of probation last?	Min. 1 year, max. 5 years (suspension / sursis) Remaining period of sentence (Conditional release): min. 2 years; in case of longer sentences than 5 years: min. 5, max. 10 years
7.	Period subsequently alterable?	No
8.	Competence	See 4.

Conditions, instructions and other measures		
9.	Possibility of connecting conditions with suspension: description of measures	Yes; for ex.: vocational trainings, withdrawal treatment, guidance, special conditions referring to the security of victims or society
10.	Probation Assistance	“Assistants de Justice” (Ministry of Justice)
11.	Competence	Commission for probation / conditional release
12.	Probation measures subsequently alterable?	Probation measures can be changed, suspended by the commissions; but no worse conditions (unless the decision is made to execute the sentence –suspension and sursis);
Violation of conditions, instructions and other measures		
13.	Revocation	Yes, in case of committing new crime or breaching certain conditions (for conditional release also when one is considered a danger to others)
14.	Competence	District court (suspension / sursis) Conditional release: see 4.
15.	Court/Institution which supervises probation	See 11.
16.	Exchange of information	Probation officers report periodically to the commissions which report to the public prosecutor who appear in court (commission for conditional release has own competencies)
Termination of the period of probation / Legal remedies		
17.	What happens after the period of probation has terminated?	Offender is discharged (suspension); at the end of the probation period the sentence can not longer be enforced (sursis); sentence is served (conditional release)
18.	Legal remedies in case of decisions which are not made by a court	No; but possibility of appeal against decisions of the commissions for probation / conditional release (only Cassation)
Independent alternative sanctions		
19.	Independent alternative sanctions?	Work sentence; (financial sentence= to enforce if work sentence isn't complied with)
20.	Cross-border cooperation required?	-

Cross-border cooperation		
21.	Practical relevance	Yes, a new instrument could promote the application of the available parole possibilities and independent alternative sanctions to non-nationals and non-residents. As such, an effective instrument on cross border supervision that also enables the eventual enforcement of the sentence may contribute to lower the foreign prison population while ensuring an optimum re-insertion of the offender in his own environment.
22.	Contractual regulations with other Member States?	None
23.	Additional information necessary?	One of the most difficult issues related to the procedural aspects of a future instrument is the “adaptation” of the parole conditions.
24.	Welcome in principle an EU instrument?	Yes, see 21.

Member State: Bulgaria (BG)

	Questionnaire	Answers
Suspension of sentence		
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Suspension of enforcement a prison sentence upon imposition in whole; Conditional release
3.	Conditions	Suspension: if the offender has not been convicted for “crime of general nature” and if the court supposes that serving of the prison sentence is not necessary in view of rehabilitation and the purpose of punishment Conditional release: in view of behaviour during the served sentence after 1/2 of sentence (juveniles: 1/3)
4.	Competent court or institution	Regional court
5.	Max. length of the prison sentence which may be suspended	3 years
Duration of probation		
6.	How long may the period of probation last?	Suspension of imprisonment: min. 3, max. 5 years (certain probation measures min. 3 months to 3 years) Conditional release: min. 6 months, max. shall be the remaining period of sentence
7.	Period subsequently alterable?	-
8.	Competence	Court
Conditions, instructions and other measures		
9.	Possibility of connecting conditions with suspension: description of measures	Yes; obligatory registration at present address; meetings with probation officers; trainings, community services, restrictions of free movement; compensation for damages
10.	Probation Assistance	Probation Services (Ministry of Justice)
11.	Competence	See 12.
12.	Probation measures subsequently alterable?	Yes, in case of showing “exemplary behaviour” restrictions can be revoked by probation officer; in case of breaching certain conditions probation measures can be changed by court

Violation of conditions, instructions and other measures

- | | | | |
|-----|----------------------------------------------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13. | Revocation | | Yes, in case of committing new crime or – after official warning – in case of breaching certain conditions suspension can be revoked and imprisonment can be enforced partially or entirely |
| 14. | Competence | | Court |
| 15. | Court/Institution which supervises probation | which | Regional Prosecutor, probation officers |
| 16. | Exchange of information | | - |

Termination of the period of probation / Legal remedies

- | | | | |
|-----|-------------------------------------------------------------------|-----|-------------------------------------------------------------------------------------------------------|
| 17. | What happens after the period of probation terminated? | has | Offender is rehabilitated by “right” / court (in particular after certain measures of rehabilitation) |
| 18. | Legal remedies in case of decisions which are not made by a court | | - |

Independent alternative sanctions

- | | | | |
|-----|------------------------------------|-------------|----------------------------------|
| 19. | Independent sanctions? | alternative | Probation, Probationary Sentence |
| 20. | Cross-border cooperation required? | cooperation | Yes |

Cross-border cooperation

- | | | | |
|-----|---------------------------------------------------|-------------|-----------------------------------------------------------------------|
| 21. | Practical relevance | | No experience |
| 22. | Contractual regulations with other Member States? | | - |
| 23. | Additional information necessary? | information | About the comparability of the different systems in the Member States |
| 24. | Welcome in principle an EU instrument? | | Yes |

Member State: Cyprus (CY)

	Questionnaire	Answers
	Suspension of sentence	
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Immediate suspension of enforcement in whole; “Probation” is a separate and independent non custodial mode of punishment
3.	Conditions	Suspension / Probation possible if justified by the offender’s personal / social situation and the circumstances of the offence
4.	Competent court or institution	Court
5.	Max. length of the prison sentence which may be suspended	3 years
	Duration of probation	
6.	How long may the period of probation last?	Suspending a prison sentence: 3 years Probation: min. 1 year, max. 3 years
7.	Period subsequently alterable?	Yes, extension in case of committing new crime
8.	Competence	Court
	Conditions, instructions and other measures	
9.	Possibility of connecting conditions with suspension: description of measures	Yes; Suspension on condition that the convict does not commit another offence during a period of the 3 years; Probation can be combined with trainings, community services
10.	Probation Assistance	Yes, in particular in case of juveniles; Probation officers of the Welfare Service (department of the Ministry of Labour and Social Insurance)
11.	Competence	Court
12.	Probation measures subsequently alterable?	Possible
	Violation of conditions, instructions and other measures	
13.	Revocation	Yes, if offender be punished with imprisonment in another case, the suspended sentence may be activated in whole or in part. Also, where probation was imposed, if probationer is convicted for another offence, during the probation period.
14.	Competence	Court

15.	Court/Institution which supervises probation	Probation officers
16.	Exchange of information	Probation officers report to the supervising district court
Termination of the period of probation / Legal remedies		
17.	What happens after the period of probation has terminated?	Suspension is a mode of executing a prison sentence. Probation is a separate non custodial sentence. Upon termination of the respective periods, in case of non violation of conditions, both kinds of sentences are deemed to have been served.
18.	Legal remedies in case of decisions which are not made by a court	-
Independent alternative sanctions		
19.	Independent alternative sanctions?	„Probation“ (see above)
20.	Cross-border cooperation required?	-
Cross-border cooperation		
21.	Practical relevance	No experience
22.	Contractual regulations with other Member States?	-
23.	Additional information necessary?	-
24.	Welcome in principle an EU instrument?	-

Member State: Czech Republic (CZ)

	Questionnaire	Answers
Suspension of sentence		
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Conditional sentence upon imposition in whole; release on parole
3.	Conditions	A conditional sentence depends on the circumstances of the case, personal and social situation of the offender Release on parole after 1/2, 2/3 of the sentence
4.	Competent court or institution	District Court
5.	Max. length of the prison sentence which may be suspended	2 years (3 years if supervision is imposed)
Duration of probation		
6.	How long may the period of probation last?	Min. 1 year, max. 5 years
7.	Period subsequently alterable?	Yes, in case of violating conditions within the established maximum duration (not more than 2 years)
8.	Competence	Court
Conditions, instructions and other measures		
9.	Possibility of connecting conditions with suspension: description of measures	Yes; vocational, educational and social trainings, withdrawal treatment, psychological consultation, prohibition of contacting certain persons, compensation for damages
10.	Probation Assistance	If imposed: Probation and Mediation Service
11.	Competence	Court
12.	Probation measures subsequently alterable?	In case of violating conditions the probation officer has to inform the court
Violation of conditions, instructions and other measures		
13.	Revocation	Yes, in case of violating conditions of probation the suspension can be revoked and the sentence will be executed; in specific cases: extension of probation period
14.	Competence	Court
15.	Court/Institution which supervises probation	If imposed: Probation and Mediation Service; otherwise the Court
16.	Exchange of information	By inquiry

Termination of the period of probation / Legal remedies

- | | | |
|-----|-------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| 17. | What happens after the period of probation has terminated? | After a decision by court (“satisfied expectations”), the offender is considered as not sentenced. |
| 18. | Legal remedies in case of decisions which are not made by a court | - |

Independent alternative sanctions

- | | | |
|-----|------------------------------------|---------------------------------------------------------------------------------------------------|
| 19. | Independent alternative sanctions? | Prohibition of certain professions, confiscation of property, local banishment, community service |
| 20. | Cross-border cooperation required? | Yes |

Cross-border cooperation

- | | | |
|-----|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| 21. | Practical relevance | Yes |
| 22. | Contractual regulations with other Member States? | European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (ratified) |
| 23. | Additional information necessary? | - |
| 24. | Welcome in principle an EU instrument? | Yes |

Member State: Germany (DE)

	Questionnaire	Answers
Suspension of sentence		
1.	Possibility of suspending a prison sentence	Yes: suspension of the execution of a prison sentence and suspension of the remainder of a fixed-term prison sentence
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Immediate suspension in whole; conditional release
3.	Conditions	Positive legal prognosis: it must be expected that the convicted person will not commit any crimes in future, considering the personality, his previous life, the circumstances of his crime, conduct following the crime etc.
4.	Competent court or institution	Immediate suspension: court of decision (i.e. court before which the main proceedings are held); conditional release: penal chamber of the regional court responsible for execution of sentences
5.	Max. length of the prison sentence which may be suspended	2 years
Duration of probation		
6.	How long may the period of probation last?	2-5 years (youth custody: max. 3 years)
7.	Period subsequently alterable?	Yes: conditional suspension: period can be shortened to the minimum or extended to the maximum in view of fresh circumstances
8.	Competence	Courts cited in answer to No. 4
Conditions, instructions and other measures		
9.	Possibility of connecting conditions with suspension: description of measures	Yes; conditions (repressive in nature, representing a sanction), e.g. restitution for harm caused, community service, social payment etc.); instructions (serve to resocialise the convicted): medical treatment, restriction of liberty etc.)
10.	Probation Assistance	Yes; probation officer is appointed by the court; court can issue instructions to the probation officer for his work; probation is responsibility of the Länder (no federal agency)
11.	Competence	Courts cited in answer to No. 4

12.	Probation measures subsequently alterable?	yes: court can alter or revoke decisions
Violation of conditions, instructions and other measures		
13.	Revocation	Yes, court shall revoke if the convicted party commits a crime during the probation period, if he grossly or repeatedly violates instructions and conditions or rejects supervision
14.	Competence	Court of decision in case of suspended sentence; penal chamber in case of conditional release
15.	Court/Institution which supervises probation	See answer to no. 14
16.	Exchange of information	Findings from a new criminal proceeding may be passed on to the body responsible for the supervision of a suspended sentence; new judgement has to be registered, register authority is obliged to make a communication regarding the new conviction to the agency which had previously informed the register that it had suspended a sentence on probation; further, court obtains information with aid of the probation officer
Termination of the period of probation / Legal remedies		
17.	What happens after the period of probation has terminated?	Court waives the punishment
18.	Legal remedies in case of decisions which are not made by a court	-
Independent alternative sanctions		
19.	Independent alternative sanctions?	Not in adult criminal law; juvenile criminal law: large number of potential sanctions (educational or disciplinary measures)
20.	Cross-border cooperation required?	No priority
Cross-border cooperation		
21.	Practical relevance	Highly relevant especially in border areas and areas frequently visited by foreign EU-citizens
22.	Contractual regulations with other Member States?	No
23.	Additional information necessary?	-
24.	Welcome in principle an EU instrument?	yes

Member State: Denmark (DK)

Questionnaire		Answers
Suspension of sentence		
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Conditional conviction without fixing the penalty; Conditional conviction with fixing the penalty and immediate suspending enforcement upon expiration of a probation period; Combination conviction: Court can order the partial enforcement of a prison sentence while the remainder is suspended on probation (immediately); Conditional release at the expiration of two-thirds of the term of imprisonment (at half of the sentence in special circumstances)
3.	Conditions	No provided criteria by law; Regarding the personal and social situation, age, seriousness of the offence, criminal history
4.	Competent court or institution	Ordinary Court; conditional release: Minister of Justice
5.	Max. length of the prison sentence which may be suspended	1 year (established practise)
Duration of probation		
6.	How long may the period of probation last?	3 years, in certain circumstances 5 years
7.	Period subsequently alterable?	Yes, in case of violating conditions of probation extension within the established maximum duration
8.	Competence	Ordinary Court; conditional release: Minister of Justice
Conditions, instructions and other measures		
9.	Possibility of connecting conditions with suspension: description of measures	Yes; concerning employment, education, free time activities, associating with certain persons, abstains from alcohol abuse, drugs etc., withdrawal treatment, medical care, conditioned place of residence, assistance to the injured party, compensation for damages; community services
10.	Probation Assistance	Administration for Criminal Social Services (agency in the administrative field of the Ministry of Justice)

11.	Competence		Ordinary Court
12.	Probation measures alterable?	subsequently	Probation measures can be subsequently changed or rescinded by a court order upon application of the public prosecution office or the convicted person; conditional release: the Minister of Justice can alter the conditions
Violation of conditions, instructions and other measures			
13.	Revocation		Yes, if the offender commits new crime or breaches any special condition – after a warning or/and insufficient extension of probation period; court will set a sentence without probation or another legal consequence for this crime and the earlier conviction
14.	Competence		Ordinary Court; conditional release: Minister of Justice
15.	Court/Institution which supervises probation		Criminal Social Services or local authorities in case of community services
16.	Exchange of information		Criminal Social Services informs the prosecutor who decides whether the matter is to be presented to the court
Termination of the period of probation / Legal remedies			
17.	What happens after the period of probation has terminated?		Sentence is served
18.	Legal remedies in case of decisions which are not made by a court		-
Independent alternative sanctions			
19.	Independent alternative sanctions?		-
20.	Cross-border cooperation required?		-
Cross-border cooperation			
21.	Practical relevance		Yes
22.	Contractual regulations with other Member States?		Nordic States
23.	Additional information necessary?		No
24.	Welcome in principle an EU instrument?		Yes

Member State: Estonia (EE)

	Questionnaire	Answers
Suspension of sentence		
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Conviction with suspension of execution on probation for a certain period upon imposition in whole
3.	Conditions	-
4.	Competent court or institution	All courts
5.	Max. length of the prison sentence which may be suspended	No specific rules
Duration of probation		
6.	How long may the period of probation last?	Min. 18 months, max. 3 years
7.	Period subsequently alterable?	Apparently within the established duration
8.	Competence	Court
Conditions, instructions and other measures		
9.	Possibility of connecting conditions with suspension: description of measures	No
10.	Probation Assistance	No
11.	Competence	Court?
12.	Probation measures subsequently alterable?	No
Violation of conditions, instructions and other measures		
13.	Revocation	Yes
14.	Competence	Local Court
15.	Court/Institution which supervises probation	Court which suspended the sentence
16.	Exchange of information	-
Termination of the period of probation / Legal remedies		
17.	What happens after the period of probation has terminated?	-
18.	Legal remedies in case of decisions which are not made by a court	-
Independent alternative sanctions		
19.	Independent alternative sanctions?	Community Service
20.	Cross-border cooperation required?	-

Cross-border cooperation

21. Practical relevance -
22. Contractual regulations with other Member States? European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (ratified)
23. Additional information necessary? -
24. Welcome in principle an EU instrument? -

Member State: Greece (EL)

	Questionnaire	Answers
	Suspension of sentence	
1.	Possibility of suspending a prison sentence	Yes: suspension of the execution of a prison sentence and suspension of the remainder of a fixed-term prison sentence.
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Immediate suspension in whole; conditional release.
3.	Conditions	Conditional suspension possible, if the offender is not sentenced to imprisonment for more than 6 months before-it must be expected that the convicted person will not commit any crimes in future, considering the personality, his previous life, the circumstances of his crime, conduct following the crime.
4.	Competent court or institution	Immediate suspension: court of decision; conditional release: penal chamber of the regional court responsible for execution of sentences.
5.	Max. length of the prison sentence which may be suspended	2-5 years.
	Duration of probation	
6.	How long may the period of probation last?	3-5 years.
7.	Period subsequently alterable?	Yes, upon request by the prosecutor or the sentenced person.
8.	Competence	Court of decision.
	Conditions, instructions and other measures	
9.	Possibility of connecting conditions with suspension: description of measures	Yes: community service, social payment, medical treatment, conditioned place of residence, obligation to accept certain places of employment, appear periodically before specified authorities or any measure the court might decide.
10.	Probation Assistance	Yes, supervision is carried out by Social Services.
11.	Competence	Court-Prosecutor.
12.	Probation measures subsequently alterable?	Yes, court, upon request by the prosecutor or the sentenced person.
	Violation of conditions, instructions and other measures	
13.	Revocation	Yes, if the offender commits new crime or breaches any special condition.

14.	Competence		Court of decision in case of suspended sentence; penal chamber in case of conditional release.
15.	Court/Institution which supervises probation		Social Services, police, prosecutor, court.
16.	Exchange of information		Social Services or police informs the prosecutor who decides whether the matter is to be presented to the court (upon the law).
Termination of the period of probation/Legal remedies			
17.	What happens after the period of probation has terminated		Effect follows by force of law.
18.	Legal remedies in case of decisions which are not made by a court.		No.
Independent alternative sanctions			
19.	Independent alternative sanctions?		-
20.	Cross-border cooperation required?		Further assessment necessary.
Cross-border cooperation			
21.	Practical relevance		Yes
22.	Contractual regulations with other Member States?		-
23.	Additional information necessary?		-
24.	Welcome in principle an EU instrument?		In general a positive approach

Member State: Spain (ES)

	Questionnaire	Answers
	Suspension of sentence	
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Conditional sentence (= suspension of enforcement a sentence) upon imposition in whole; Our system also knows conditional release (which we don't see as suspension of sentence but as a phase of execution)*
3.	Conditions	<u>Following answers concerning cond. sentence:</u> No conviction before, compliance with civil liability declared in sentence; special regulations in case of offenders addicted to drugs/alcohol (evidence of being out of drugs or in rehab treatment). No requisites in case of serious illness except if offender already had sentence suspended for that reason when he committed the offence
4.	Competent court or institution	Sentencing Court
5.	Max. length of the prison sentence which may be suspended	2 years (5 years in case of addiction to drugs/alcohol)
	Duration of probation	
6.	How long may the period of probation last?	Min. 2 years (min. 3 years in case of addiction to drugs/alcohol), max. 5 years
7.	Period subsequently alterable?	Yes, in case of violating certain conditions within the established maximum duration; 2 additional years in case of continuing a withdrawal treatment
8.	Competence	Sentencing Court
	Conditions, instructions and other measures	
9.	Possibility of connecting conditions with suspension: description of measures	Yes, Exclusion from certain places or residence requirement, prohibition to approximate the victim, obligation to attend appointments before the court or administrative centres, participation in training, educational and other programmes or any other measure the court might decide; withdrawal treatment

10.	Probation Assistance	No special Probation Service; the competent administrative service or centre where treatment is being followed will regularly (at least every 3 months) inform the judge of their observation
11.	Competence	Sentencing judge/court is responsible for the imposition of conditions.
12.	Probation measures subsequently alterable?	Yes.
Violation of conditions, instructions and other measures		
13.	Revocation	Yes, in case of renewed delinquency or violating any special conditions. Conditions can be changed, probation period can be extended. If the suspension is revoked, the offender has to serve the prison sentence.
14.	Competence	Sentencing Court
15.	Court/Institution which supervises probation	Sentencing Court
16.	Exchange of information	See 10; criminal records
Termination of the period of probation / Legal remedies		
17.	What happens after the period of probation has terminated?	Sentence will be declared by court as remitted;
18.	Legal remedies in case of decisions which are not made by a court	-
Independent alternative sanctions		
19.	Independent alternative sanctions?	-
20.	Cross-border cooperation required?	-
Cross-border cooperation		
21.	Practical relevance	-
22.	Contractual regulations with other Member States?	-
23.	Additional information necessary?	Concrete individualization of competent authorities, exchange of information, effects, implications (for ex. as regards criminal records).
24.	Welcome in principle an EU instrument?	Premature question.

*** Main features of Conditional release: Competent court is the Prison court and there is not a maximum limit of sentence. The general conditions include: that the offender is in 3rd grade of penitentiary treatment, has served $\frac{3}{4}$ of the imposed penalty (this condition may be reduced in special cases, for example in case of very serious illness), observes good behaviour and has a favourable report regarding his social rehabilitation (this includes having paid his civil liabilities).**

Member State: Finland (FI)

	Questionnaire	Answers
	Suspension of sentence	
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Immediate suspension of enforcement upon imposition in whole and in part; conditional sentence, conditional release
3.	Conditions	Conditional sentence: regarding the seriousness of the offence, the guilt and the criminal history of the offender, Conditional release: after 2/3 of the sentence (under 21: 1/2; juveniles: 1/3)
4.	Competent court or institution	General Court; in case of probationary release under supervision: Court of Appeal Helsinki
5.	Max. length of the prison sentence which may be suspended	2 years
	Duration of probation	
6.	How long may the period of probation last?	Conditional sentence: 1-3 years Conditional release on parole: max. 3 years
7.	Period subsequently alterable?	Conditional release: if not necessary
8.	Competence	Probation Service (agency in the administrative field of the Ministry of Justice)
	Conditions, instructions and other measures	
9.	Possibility of connecting conditions with suspension: description of measures	Conditional sentence: no Conditional release: prisoner may be placed outside the prison at most six months before his conditional release supervised by technical or other special means. Preconditions: scheme of rehabilitation, obligations on parole, abstain from using intoxicants, being available to the authorities
10.	Probation Assistance	Probation Service – persons conditionally released may be placed under supervision
11.	Competence	Probation Service
12.	Probation measures subsequently alterable?	Yes, measures can be adapted and terminated after 6 months if not necessary to continue

Violation of conditions, instructions and other measures

13. Revocation Yes, if the convict commits an offence during the probation period; partially enforcement of sentence possible
In evident danger, that a conditional released person would commit an offence violating life, health or personal freedom. If a prisoner violates the preconditions (see no. 9), probationary liberty may be revoked
14. Competence General Court
15. Court/Institution which supervises probation Probation Service
16. Exchange of information Necessary information for probation services provided by police, prosecution, court

Termination of the period of probation / Legal remedies

17. What happens after the period of probation has terminated? Sentence shall lapse, if it has not been ordered to be enforced
18. Legal remedies in case of decisions which are not made by a court -

Independent alternative sanctions

19. Independent alternative sanctions? Juvenile Penalty (community work, supervision);
Community Service Orders (unconditional imprisonment not exceeding 8 months can be converted in community service if certain requirements are fulfilled)
20. Cross-border cooperation required? No relevant practise so far

Cross-border cooperation

21. Practical relevance Yes
22. Contractual regulations with other Member States? Act on Nordic-Cooperation in Criminal Matters
23. Additional information necessary? -
24. Welcome in principle an EU instrument? Yes

Member State: France (FR)

	Questionnaire	Answers
	Suspension of sentence	
1	Possibility of suspending a prison sentence	Yes: Conditional suspension of the execution of the sentence (S.M.E.); conditional release; judicial supervision
2	Immediate suspension in whole or in part, conditional sentence, conditional release	Conditional suspension: in whole and in part; conditional release
3	Conditions	S.M.E.: conditions have to be imposed, no suspension in whole on a recidivist offender; cond. release: ½ of the sentence, offender has to make serious efforts to resocialise such as educational or medical treatment or participation in family life purposes; also possible: immediate conditional release of offenders convicted to max. 1 year of imprisonment; judicial supervision: follows execution of an imprisonment of min. 10 years
4	Competent court or institution	S.M.E.: court of decision (i.e. court before which the main proceedings are held); cond. release and judicial supervision: court competent for enforcement of sentence
5	Max. length of the prison sentence which may be suspended	S.M.E.: max. 5 years (in case of recidivists: 10 years); cond.: release: max. length of the remainder of the sentence
	Duration of probation	
6	How long may the period of probation last?	S.M.E.: 18 months to 3 years (max 5 years in case of recidivist, max. 7 years in case of repeated recidivist); cond. release: length of remainder plus max. one year
7	Period subsequently alterable?	S.M.E.: yes (extension); cond. release: no; judicial supervision: yes
8	Competence	S.M.E.: court of decision (i.e. court before which the main proceedings are held); cond. release and judicial supervision: court competent for enforcement of sentence

Conditions, instructions and other measures		
9	Possibility of connecting conditions with suspension: description of measures	Yes: prohibitions / conditions concerning daily life e.g. professions, residence; appear periodically before specified authorities; employment; medical treatment; compensation for damages, payment of indemnity to the injured party, , community service
10	Probation Assistance	Yes, public probation service which exists in each département
11	Competence	S.M.E.: court of decision (i.e. court before which the main proceedings are held); cond. release and judicial supervision: court competent for enforcement of sentence
12	Probation measures subsequently alterable?	yes
Violation of conditions, instructions and other measures		
13	Revocation	revocation in whole or in part of in case of new crime or misdemeanours for which offender in sentenced to prison without suspension; breach of conditions
14	Competence	court that will adjudge a new offence, court competent for enforcement of sentence in case of breach of conditions; upon other reasons the convicting court (in case of conditional sentence), enforcement court (in case of conditional release)
15	Court/Institution which supervises probation	See answer to no. 10
16	Exchange of information	Every incident (new offence or violation of obligation) has to be reported to the court competent for the enforcement by the probation service; further on that, Public prosecution office makes a motion for revocation to the competent courts
Termination of the period of probation / Legal remedies		
17	What happens after the period of probation has terminated?	S.M.E.: Offender is considered as not sentenced; probation period can be reduced; after having completed judicial supervision the conditions shall lapse
18	Legal remedies in case of decisions which are not made by a court	no

Independent alternative sanctions		
19	Independent alternative sanctions?	no
20	Cross-border cooperation required?	-
Cross-border cooperation		
21	Practical relevance	European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders of 30/11/1964 has proved very cumbersome in terms of practical implementation. Application of the Convention regularly failed on account of the long deadlines for replies from the involved authorities and the lack of conformity among the legal systems
22	Contractual regulations with other Member States?	European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders of 30/11/1964
23	Additional information necessary?	-
24	Welcome in principle an EU instrument?	Instrument shall provide for adaptability of probation and should focus on rapid decisions

Member State: Hungary (HU)

	Questionnaire	Answers
	Suspension of sentence	
1	Possibility of suspending a prison sentence	Yes
2	Immediate suspension in whole or in part, conditional sentence, conditional release	Suspension of sentence upon imposition in whole: Court establishes the criminal liability of the defendant in the judgment, but does not impose a sentence, instead depending on the future conduct of the offender, it adjourns the decision on the matter of the punishment; Parole (conditional release): Court releases a person serving a definitive term of imprisonment on parole, if there is reason to believe that the aim of the punishment may also be achieved without further imprisonment.
3	Conditions	Court may suspend a sentence on probation if there is substantial reason to believe that as a consequence, the aim of the punishment will be met. Probation shall not be imposed on a repeat recidivist offender. Parole: in view the person's good conduct displayed when serving a term of imprisonment and of his willingness to lead the life of a law abiding citizen.
4	Competent court or institution	Court
5	Max. length of the prison sentence which may be suspended	3 years (juveniles may be sentenced to a period of probation in case of any crime)
	Duration of probation	
6	How long may the period of probation last?	Min. 1 year, max. 3 years (juveniles: 2 years) Parole: not less than the remaining sentence
7	Period subsequently alterable?	Yes, extension (not more than 1 year) in case of violating the conditions of probation
8	Competence	Court

Conditions, instructions and other measures		
9	Possibility of connecting conditions with suspension: description of measures	Yes, obligations / prohibitions concerning exercise certain professions, being in certain groups, residence; appear periodically before specified authorities; employment; if the offender agrees: withdrawal treatment; compensation for damages, payment of indemnity to the injured party, contribution to public or private benefit institution, community service
10	Probation Assistance	Supervision by probation officers
11	Competence	Court, Prosecutor
12	Probation measures subsequently alterable?	“General rules of conduct are compulsory on account of the legal regulations, it is not necessary to make a separate decision about it.”
Violation of conditions, instructions and other measures		
13	Revocation	Yes, if the offender commits new crime or breaches any special condition
14	Competence	Court
15	Court/Institution which supervises probation	Probation Officers Service of the Justice Bureau
16	Exchange of information	If conditions are breached, the probation officer shall notify the prosecutor or the court.
Termination of the period of probation / Legal remedies		
17	What happens after the period of probation has terminated?	After information by the probation officer the probationer is dismissed without any further proceedings. Sanctions shall not be enforced.
18	Legal remedies in case of decisions which are not made by a court	-
Independent alternative sanctions		
19	Independent alternative sanctions?	For ex. Community service
20	Cross-border cooperation required?	Yes
Cross-border cooperation		
21	Practical relevance	Yes
22	Contractual regulations with other Member States?	-
23	Additional information necessary?	-
24	Welcome in principle an EU instrument?	Yes

Member State: Ireland (IE)

	Questionnaire	Answers
Suspension of sentence		
1	Possibility of suspending a prison sentence	Yes
2	Immediate suspension in whole or in part, conditional sentence, conditional release	Suspension of a prison sentence in whole without supervision; decision of suspension in part upon imposition, but operating after serving a specified portion of the sentence in custody
3	Conditions	Legal parameters are: character, mental condition of offender, nature and circumstances of offence, security of victims and society
4	Competent court or institution	District Court
5	Max. length of the prison sentence which may be suspended	No max. length
Duration of probation		
6	How long may the period of probation last?	May not be more than max. 3 years
7	Period subsequently alterable?	Yes, extension possible (suspended part of a custodial sentence can not be shortened or lengthened)
8	Competence	Court (usually court made the original order)
Conditions, instructions and other measures		
9	Possibility of connecting conditions with suspension: description of measures	Yes, education trainings, therapy, withdrawal treatment, counselling, compensation for damages, restrictions concerning residence,
10	Probation Assistance	Probation Officers, co-ordinated with other agencies (for ex. Drug treatment services)
11	Competence	Court
12	Probation measures subsequently alterable?	Probation service can apply for changes, but conditions can only be changed by court after a hearing
Violation of conditions, instructions and other measures		
13	Revocation	Yes, in case of committing new crime or breaching conditions
14	Competence	Original court
15	Court/Institution which supervises probation	Probation Service (Ministry of Justice)
16	Exchange of information	Reports / information

Termination of the period of probation / Legal remedies

17 What happens after the period of probation has terminated? Penalty is complete (no further proceedings)

18 Legal remedies in case of decisions which are not made by a court -

Independent alternative sanctions

19 Independent alternative sanctions? -

20 Cross-border cooperation required? -

Cross-border cooperation

21 Practical relevance No experience

22 Contractual regulations with other Member States? None

23 Additional information necessary? -

24 Welcome in principle an EU instrument? Yes

Member State: Italy (IT)

	Questionnaire	Answers
Suspension of sentence		
1	Possibility of suspending a prison sentence	yes
2	Immediate suspension in whole or in part, conditional sentence, conditional release	Conditional suspension of sentence in whole on probation; conditional release; conditional release with supervision of conduct in the form of probationary transfer of monitoring to Social Services
3	Conditions	Conditional sentence: court assumes that offender will not commit any further criminal offences; no suspension when being convicted of felony or when committing felony or misdemeanours habitually or for commercial purposes; conditional release: certainty that offender has reformed; having served 30 months or half of imposed sentence; remaining sentence does not exceed 5 years; conditional release with supervision: prison term or remaining term does not exceed 3 years, if measure serves the re-education
4	Competent court or institution	Conditional suspension: court that issues the conviction; conditional release: court competent for enforcement of sentence
5	Max. length of the prison sentence which may be suspended	Cond. Suspension: 2 years (minors < 18: 3 years, adults between 18 and 21 an > 70: 2 years six months); conditional release: 5 years; conditional release and probationary transfer: 3 years
Duration of probation		
6	How long may the period of probation last?	Conditional suspension: conviction of felony: 5 years; conviction of misdemeanour: 2 years
7	Period subsequently alterable?	Yes, in case of probationary transfer
8	Competence	probationary transfer: court competent for enforcement of the sentence; cond. Suspension and release: length calculated by force of law

Conditions, instructions and other measures

9	Possibility of connecting conditions with suspension: description of measures	Yes; cond. suspension: restitution, payment as compensation, remedying consequences of offence, unpaid public service work; cond. release: restitution and compensation for damages, other suitable conditions; probationary transfer: person must fulfil with respect to relationship to Social Services, his residence, freedom of movement etc.
10	Probation Assistance	Yes, supervision is carried out by Social Services
11	Competence	Court competent for enforcement of sentence (only in case of transfer to Social Services)
12	Probation measures subsequently alterable?	yes

Violation of conditions, instructions and other measures

13	Revocation	Yes; cond. suspension: offender commits a felony/misdemeanour of the same type and prison term is imposed, offender does not fulfil obligations, offender is convicted for a felony committed earlier and if the statutory limits are exceeded following cumulation of that conviction with a suspended conviction; cond. release: offender does not fulfil obligations and/or offender commits a felony/misdemeanour of the same type; probationary transfer: convicted person's conduct is in contravention of legal provisions and imposed conditions
14	Competence	Court competent for enforcement of sentence
15	Court/Institution which supervises probation	cond. release and prob. transfer: Court competent for enforcement of sentence
16	Exchange of information	Public prosecution office makes a motion for revocation to the competent courts

Termination of the period of probation / Legal remedies		
17	What happens after the period of probation has terminated?	Effect follows by force of law: cond. suspension makes criminal offence disappear; cond. release makes term of imprisonment obsolete
18	Legal remedies in case of decisions which are not made by a court	No
Independent alternative sanctions		
19	Independent alternative sanctions?	Yes, within competence of the justice of peace (sanctions: obligatory residence, community service)
20	Cross-border cooperation required?	No
Cross-border cooperation		
21	Practical relevance	Basic difficulties likely to be arised: need of informational mechanism that allows the public prosecution office to be informed of any relevant information; need of effective mechanism to monitor imposed conditions
22	Contractual regulations with other Member States?	No
23	Additional information necessary?	No
24	Welcome in principle an EU instrument?	Yes

Member State: Lithuania (LT)

	Questionnaire	Answers
Suspension of sentence		
1	Possibility of suspending a prison sentence	Yes
2	Immediate suspension in whole or in part, conditional sentence, conditional release	Immediate suspension of enforcement in whole; conditional release; conditional pardon after serving a part of a prison sentence
3	Conditions	In view of the circumstances of the offence and the behaviour during the serving of the prison sentence a conditional release / pardon is possible after min. 1/3 of the sentence
4	Competent court or institution	Ordinary court
5	Max. length of the prison sentence which may be suspended	3 years (juveniles: 4 years; in case of negligence offences: 6 years)
Duration of probation		
6	How long may the period of probation last?	Max. 3 years; conditional release: max. 13 years
7	Period subsequently alterable?	Suspension of enforcement: Extension possible within the established maximum duration
8	Competence	Ordinary court
Conditions, instructions and other measures		
9	Possibility of connecting conditions with suspension: description of measures	Yes; compensation for damages, payment of indemnity to the injured party, moral satisfaction, therapy, withdrawal treatment, prohibition of access certain groups, residence; obligation to accept certain places of employment or education; appear periodically before specified authorities;
10	Probation Assistance	Probation Administration (Ministry of Justice)
11	Competence	Ordinary court
12	Probation measures subsequently alterable?	No; in case of conditional release facilitations by proposal of the probation administration

Violation of conditions, instructions and other measures		
13	Revocation	Yes, in case of committing new crime or breaching certain conditions court may either admonish the offender, prolong the probation period within the limits of the term of suspension or revoke the suspended remaining sentence
14	Competence	Ordinary court
15	Court/Institution which supervises probation	See 10.
16	Exchange of information	Probation administration informs the court
Termination of the period of probation / Legal remedies		
17	What happens after the period of probation has terminated?	Suspension: definitively suspended by court Release: sentence is served
18	Legal remedies in case of decisions which are not made by a court	-
Independent alternative sanctions		
19	Independent alternative sanctions?	Prohibition of access certain professions; community service; confiscation of property
20	Cross-border cooperation required?	Should be discussed
Cross-border cooperation		
21	Practical relevance	Yes
22	Contractual regulations with other Member States?	None
23	Additional information necessary?	-
24	Welcome in principle an EU instrument?	Yes

Member State: Latvia (LV)

	Questionnaire	Answers
	Suspension of sentence	
1	Possibility of suspending a prison sentence	Yes
2	Immediate suspension in whole or in part, conditional sentence, conditional release	Conditional sentence upon imposition in whole; Conditional release prior to completion of a sentence
3	Conditions	Conditional sentence: taking into account the nature of the committed offence and the harm caused, the personality of the offender and other circumstances of the case, if the court becomes convinced that without enforcement of the sentence the offender will not commit crime in future; Conditional release: Compensation for damages, in case of dependency to alcohol, narcotic or toxic substances withdrawal treatment (no cond. release in case of violation) – after min. 1/2, in specific cases 2/3, 3/4 of the prison sentence
4	Competent court or institution	Conditional sentence: Court Conditional release: Administrative Commission of Prison, District Court in cooperation with State Probation Service and Municipality Police
5	Max. length of the prison sentence which may be suspended	No max. length
	Duration of probation	
6	How long may the period of probation last?	Conditional sentence: min. 6 months, max. 3 years Conditional release: No period limit
7	Period subsequently alterable?	Conditional sentence: extension for 1 year Conditional release: No
8	Competence	Court

Conditions, instructions and other measures		
9	Possibility of connecting conditions with suspension: description of measures	Yes; concerning compensation, place of residence, participation in probation programmes, withdrawal treatment, prohibition of access to specified places; obligation to register and to report at the time specified
10	Probation Assistance	State Probation Service
11	Competence	Court
12	Probation measures subsequently alterable?	No regulation
Violation of conditions, instructions and other measures		
13	Revocation	Yes; in case of committing new crime or breaching obligations of conditional suspension / release; decision: (partly) execution of original sentence
14	Competence	Court
15	Court/Institution which supervises probation	State Probation Service
16	Exchange of information	Submissions by the Probation Service
Termination of the period of probation / Legal remedies		
17	What happens after the period of probation has terminated?	Sentence is served Conditional Sentence: Criminal record is extinguished
18	Legal remedies in case of decisions which are not made by a court	-
Independent alternative sanctions		
19	Independent alternative sanctions?	Confiscation of property; community service; limitation of rights; prohibition to run to elections
20	Cross-border cooperation required?	Research/Evaluation of alternative sanctions in the Member States necessary; cooperation should be introduced gradually
Cross-border cooperation		
21	Practical relevance	Yes, but no experience
22	Contractual regulations with other Member States?	No
23	Additional information necessary?	Wish to obtain more information about the systems in the Member States
24	Welcome in principle an EU instrument?	Yes

Member State: Malta (MT)

	Questionnaire	Answers
	Suspension of sentence	
1	Possibility of suspending a prison sentence	Yes
2	Immediate suspension in whole or in part, conditional sentence, conditional release	Probation orders and suspensions are two distinct punishment regimes; immediate suspension in whole
3	Conditions	Suspension: shall not made, if the offender is already serving a prison sentence or has committed new crime during a period of probation or if he is a recidivist Probation: in view of the circumstances of the case, character of the offender, community's security if a probation order is desirable in the interest of securing the rehabilitation of the offender
4	Competent court or institution	Criminal Court
5	Max. length of the prison sentence which may be suspended	2 years
	Duration of probation	
6	How long may the period of probation last?	Suspension: Min. 1 year, max. 4 years Probation: Min. year, max. 3 years
7	Period subsequently alterable?	Yes, upon application by the director of Probation Services (shortening, extension, adding or deleting of certain requirements – within the existing limits)
8	Competence	Court (by which the probation order was made)
	Conditions, instructions and other measures	
9	Possibility of connecting conditions with suspension: description of measures	Yes, requirements may for ex. relating to the residence, to the offender's mental condition, withdrawal treatment, supervision – conditions, which are necessary for securing the good conduct of the offender or for preventing a repetition of crime
10	Probation Assistance	Department of Probation services
11	Competence	Court
12	Probation measures subsequently alterable?	See 7, 8

Violation of conditions, instructions and other measures		
13	Revocation	Yes, in case of committing new crime or breaching any requirements (in case of probation the court may deal with the offender if he had just been convicted)
14	Competence	Criminal Court
15	Court/Institution which supervises probation	See 10
16	Exchange of information	By the Court Registrar and probation officers
Termination of the period of probation / Legal remedies		
17	What happens after the period of probation has terminated?	Punishment is served
18	Legal remedies in case of decisions which are not made by a court	-
Independent alternative sanctions		
19	Independent alternative sanctions?	Community sanction order, combination order
20	Cross-border cooperation required?	Position is being reserved on this matter for the time being.
Cross-border cooperation		
21	Practical relevance	See 20.
22	Contractual regulations with other Member States?	none
23	Additional information necessary?	About other forms of punishment (see 19)
24	Welcome in principle an EU instrument?	See 20.

Member State: Netherlands (NL)

	Questionnaire	Answers
Suspension of sentence		
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Immediate suspension in whole and in part; conditional release
3.	Conditions	
4.	Competent court or institution	Sentencing court
5.	Max. length of the prison sentence which may be suspended	Max. 4 years (suspension possible for all principal sentences – fine, community service); in case of a prison sentence of 2 to 4 years: max. 2 years can be suspended
Duration of probation		
6.	How long may the period of probation last?	Reg. 2 years, max. 10 years
7.	Period subsequently alterable?	Yes, upon request by the prosecutor or the sentenced person (extension: max. 1 year)
8.	Competence	Sentencing court
Conditions, instructions and other measures		
9.	Possibility of connecting conditions with suspension: description of measures	Yes; special conditions for ex.: withdrawal treatment, vocational trainings, restrictions / prohibition of access certain places, contact certain persons
10.	Probation Assistance	Probation Service
11.	Competence	Sentencing court
12.	Probation measures subsequently alterable?	Yes, probation officers may change conditions (depends on the instructions by the sentencing court); in case of breaching conditions changes by court upon request by prosecutor / sentenced person
Violation of conditions, instructions and other measures		
13.	Revocation	Yes, in case of committing new crime or breaching certain conditions
14.	Competence	Court
15.	Court/Institution which supervises probation	Public Prosecutor's Office (Probation Service)
16.	Exchange of information	Probation Service / Police informs prosecutor who decides about a request for revocation or other measures; no system that structurally informs the court about any new conviction

Termination of the period of probation / Legal remedies

17. What happens after the period of probation has terminated? Execution of sentence ends
18. Legal remedies in case of decisions which are not made by a court -

Independent alternative sanctions

19. Independent alternative sanctions? Community service; home detention
20. Cross-border cooperation required? Further assessment necessary

Cross-border cooperation

21. Practical relevance Not clear
22. Contractual regulations with other Member States? Europe Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (ratified)
23. Additional information necessary? On practical application, functioning of suspended sentences, conditions, probation services, the use of electronic monitoring
24. Welcome in principle an EU instrument? Open minded

Member State: Poland (PL)

	Questionnaire	Answers
Suspension of sentence		
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Conviction with suspension of execution on probation upon imposition in whole
3.	Conditions	If suspension is regarded as sufficient to attain the objectives of penalty with respect to the perpetrator; prevention of relapsing into crime
4.	Competent court or institution	Sentencing court
5.	Max. length of the prison sentence which may be suspended	2 years
Duration of probation		
6.	How long may the period of probation last?	Min. 2, max. 5 years
7.	Period subsequently alterable?	No
8.	Competence	Sentencing court
Conditions, instructions and other measures		
9.	Possibility of connecting conditions with suspension: description of measures	Yes; concerning employment, education, free time activities, associating with certain persons, abstains from alcohol abuse, drugs etc., withdrawal treatment, medical care, conditioned place of residence, assistance / apologise to the injured party, compensation for damages; community services
10.	Probation Assistance	Supervision by probation officers; mandatory in case of juveniles or offences committed on the basis of sexual inclination disorders
11.	Competence	Sentencing court
12.	Probation measures subsequently alterable?	Yes, by court
Violation of conditions, instructions and other measures		
13.	Revocation	Yes, suspension shall be revoked in case of committing crime similar to the previous one; suspension may be revoked in case of breaching the legal order otherwise
14.	Competence	Court (in case of supervision: District Court)
15.	Court/Institution which supervises probation	See 14.
16.	Exchange of information	Information by criminal records

Termination of the period of probation / Legal remedies

17. What happens after the period of Sentence is served (no further proceedings) probation has terminated?
18. Legal remedies in case of decisions which are not made by a court -

Independent alternative sanctions

19. Independent alternative sanctions? -
20. Cross-border cooperation required? Open minded

Cross-border cooperation

21. Practical relevance Technical measures of probation should be take into account; rapid information exchange necessary
22. Contractual regulations with other Member States? -
23. Additional information necessary? -
24. Welcome in principle an EU instrument? Open minded

Member State: Portugal (PT)

	Questionnaire	Answers
	Suspension of sentence	
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Immediate suspension of enforcement upon imposition in whole; conditional release
3.	Conditions	Due to offender's personality, life conditions, behaviour prior and following the crime, circumstances of crime Conditional release: evolution throughout serving of sentence; well founded reasons to expect that the offender will not perpetrate further crime (earliest after 6 months; reg. after 1/2 or 2/3 of sentence)
4.	Competent court or institution	Immediate suspension: Convicting court Conditional release: Enforcement of Sentences Court
5.	Max. length of the prison sentence which may be suspended	Max. 3 years
	Duration of probation	
6.	How long may the period of probation last?	5 years
7.	Period subsequently alterable?	Yes, in case of violating conditions of probation within the established maximum duration
8.	Competence	See 4.
	Conditions, instructions and other measures	
9.	Possibility of connecting conditions with suspension: description of measures	Yes; compensation for damages, individual plan of social rehabilitation, payment of indemnity to the injured party, moral satisfaction, contribution to public or private benefit institution, prohibition of exercise certain professions, being in certain groups, residence; appear periodically before specified authorities; if the offender agrees: withdrawal treatment;
10.	Probation Assistance	Possible, Guidance/Supervision based on an individual rehabilitation plan by officers of the Institute for Social Reinsertion; Regular in case of offenders under the age of 25 convicted to a prison sentence of more than 1 year

11.	Competence		See 4.
12.	Probation measures alterable?	subsequently	Possible
Violation of conditions, instructions and other measures			
13.	Revocation		Yes, if the offender commits new crime or breaches any special condition. In case of revocation the offender has to serve the effective (remaining) prison sentence.
14.	Competence		See 4.
15.	Court/Institution which supervises probation		Institute of Social Reinsertion (Ministry of Justice)
16.	Exchange of information		Intercourt exchange of information
Termination of the period of probation / Legal remedies			
17.	What happens after the period of probation has terminated?		By decision of the court the sentence is declared as extinct
18.	Legal remedies in case of decisions which are not made by a court		-
Independent alternative sanctions			
19.	Independent alternative sanctions?		Yes, in case of penalties imposed to young offenders who are criminally liable (16 to 21 years)
20.	Cross-border cooperation required?		to be considered worthwhile
Cross-border cooperation			
21.	Practical relevance		Yes, but no certain experience
22.	Contractual regulations with other Member States?		Europe Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (ratified)
23.	Additional information necessary?		-
24.	Welcome in principle an EU instrument?		Yes

Member State: Romania (RO)

	Questionnaire	Answers
Suspension of sentence		
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Conditional suspension of serving the sentence upon imposition in whole
3.	Conditions	Conditional suspension possible, if the offender is not sentenced to imprisonment for more than 6 months before (1 year in case of suspension under monitoring) and if is considered that the aim of sentence can be reached as well.
4.	Competent court or institution	Sentencing court
5.	Max. length of the prison sentence which may be suspended	3 years (4 years if suspension under monitoring)
Duration of probation		
6.	How long may the period of probation last?	Additional 2 years to the length of prison sentence (5 years in case of suspension under monitoring)
7.	Period subsequently alterable?	-
8.	Competence	Sentencing court
Conditions, instructions and other measures		
9.	Possibility of connecting conditions with suspension: description of measures	In case of suspension under monitoring: notify any change of address, notify and motivate change of employment, information of subsistence, educational training, restrictions / prohibition of access certain places, contact certain persons, change residence, withdrawal treatment
10.	Probation Assistance	Judge / Office of victim protection and social integration of perpetrators
11.	Competence	-
12.	Probation measures subsequently alterable?	-
Violation of conditions, instructions and other measures		
13.	Revocation	Yes, in case of committing new crime, violating inexcusably civil obligations established by the sentence; in case of revocation offender has to serve entire sentence which can not be merged with other sentences
14.	Competence	Sentencing Court

15.	Court/Institution which supervises probation	Judge / Office of victim protection and social integration of perpetrators / Probation Service (Ministry of Justice)
16.	Exchange of information	Court is informed by probation service or monitoring judge in case of violating conditions
Termination of the period of probation / Legal remedies		
17.	What happens after the period of probation has terminated?	Offender is rehabilitated de jure.
18.	Legal remedies in case of decisions which are not made by a court	-
Independent alternative sanctions		
19.	Independent alternative sanctions?	-
20.	Cross-border cooperation required?	-
Cross-border cooperation		
21.	Practical relevance	-
22.	Contractual regulations with other Member States?	-
23.	Additional information necessary?	-
24.	Welcome in principle an EU instrument?	Yes

Member State: Sweden (SE)

	Questionnaire	Answers
	Suspension of sentence	
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Sentence of probation upon imposition in whole, conditional sentence. Independent sanctions in relation to imprisonment that can be revoked and replaced by a sentence of imprisonment. Conditional release.
3.	Conditions	<p>A sentence of probation means that the convicted person undergoes a probationary period of three years and is being placed under supervision during part of that period. Conditional sentence means that the convicted person avoids other sanctions for the crime, on condition that he or she leads an orderly life during a two year probationary period.</p> <p>Sentence of probation in consideration of the personal and social situation (esp. in case of misuse of a dependency producing substance);</p> <p>Conditional sentence: absence of reason to fear that the accused will continue to commit crimes;</p> <p>Conditional release: after 2/3 of the sentence</p>
4.	Competent court or institution	Sentence of probation / conditional sentence: Court; conditional release: National Prison and Probation Administration
5.	Max. length of the prison sentence which may be suspended	1 year (established practise, no rule). 2 years when probation with contractual care.
	Duration of probation	
6.	How long may the period of probation last?	3 years (sentence of probation) 2 years (conditional sentence)
7.	Period subsequently alterable?	The period of probation may not be subsequently shortened. The probationary period can under certain conditions be prolonged to three years for a conditional sentence and for at most five years for a sentence of probation.
8.	Competence	Court

Conditions, instructions and other measures

- | | | |
|-----|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9. | Possibility of connecting conditions with suspension: description of measures | Yes; sentence of probation can be combined with day-fines, short term imprisonment (max. 3 months), community services, conditions of employment, education, medical care, place of residence, regarding assistance to the injured party and compensation for damages;
Conditional sentence can be combined with day-fines, community services and conditions regarding assistance to the injured party and compensation for damages;
Conditional release can be combined with conditions of employment, education, medical care, place of residence and regarding compensation for damages; |
| 10. | Probation Assistance | Probation officers (appointed by the court or the local Prison and Probation Administration) |
| 11. | Competence | Court (sentence of probation / conditional sent.)
Supervision Board (conditional release) |
| 12. | Probation measures subsequently alterable? | Yes |

Violation of conditions, instructions and other measures

- | | | |
|-----|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13. | Revocation | Yes, if the offender commits new crime or breaches any special conditions - after warning or other insufficient measures by the supervision board (see 18). |
| 14. | Competence | Sentence of probation: Supervision board shall request the prosecutor to bring the matter before a court; Conditional sentence: Court; Conditional release: Court; Supervision Board |
| 15. | Court/Institution which supervises probation | National Prison and Probation Administration;
Supervision board for supervising probation |
| 16. | Exchange of information | The National Prison and Probation Administration shall report to the prosecutor if it finds that the court should make a decision concerning the conditional sentence. And it shall report to the supervision board if it finds that the board should make a decision concerning the sentence of probation. The probation officer has a duty to report to the National Prison and Probation Administration in case he finds that the sentenced person violates the conditions of the sentence of probation or the conditional release. |

Termination of the period of probation / Legal remedies

- | | | |
|-----|------------------------------------------------------------|-----------------------------------------------------------------|
| 17. | What happens after the period of probation has terminated? | The sentence is fully served and no more measures can be taken. |
|-----|------------------------------------------------------------|-----------------------------------------------------------------|

18. Legal remedies in case of decisions which are not made by a court
- Decisions of the National Prison and Probation Administration concerning delay or postponement of conditional release may be appealed to an administrative court; Decisions of a local prison and probation administration concerning supervision of probation of someone who is sentenced to probation or has been conditionally released, may be reviewed by the supervision board. Decision by the supervision board concerning supervision of probation, conditions for the probation, warnings, forfeiting of conditionally granted liberty or taking into custody is entitled to require a review of the decision by the National Parole Board. A person sentenced to probation may appeal to a court of appeal against a supervision board's decision in matters concerning conditions for the probation, warnings, prolonging of supervision of probation or taking into custody.

Independent alternative sanctions

19. Independent alternative sanctions?
- Young offenders: juvenile care, youth service. N.b. that sentence of probation and conditional sentence, see question 2, are also independent in relation to imprisonment.

20. Cross-border cooperation required?
- In general a positive approach in cross-border cooperation

Cross-border cooperation

21. Practical relevance
- Yes
22. Contractual regulations with other Member States?
- Act concerning cooperation with Denmark, Finland, Iceland and Norway on the enforcement of criminal sanctions etc.;
- Europe Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (ratified)
23. Additional information necessary?
-
24. Welcome in principle an EU instrument?
- See 20.

Member State: Slovenia (SI)

	Questionnaire	Answers
Suspension of sentence		
1.	Possibility of suspending a prison sentence	Yes
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Conditional suspension of a prison sentence or fine upon imposition in whole (accessory sentences possible); release on parole
3.	Conditions	Conditional Sentence possible in view of the offender's personal and social situation, the circumstances of the offence, behaviour after committing the offence Release on parole after 1/2 of sentence (juveniles: 1/3)
4.	Competent court or institution	Criminal Court
5.	Max. length of the prison sentence which may be suspended	2 years
Duration of probation		
6.	How long may the period of probation last?	Min. 1 year, max. 5 years
7.	Period subsequently alterable?	No
8.	Competence	Court
Conditions, instructions and other measures		
9.	Possibility of connecting conditions with suspension: description of measures	Yes; for ex. compensation for damages, withdrawal treatment, vocational and psychological trainings, contribution to public or private benefit institutions
10.	Probation Assistance	Custodial supervision by probation officers
11.	Competence	Court
12.	Probation measures subsequently alterable?	Yes (by court, see 13)
Violation of conditions, instructions and other measures		
13.	Revocation	Yes, in case of committing new crime or violating imposed obligations the court may either admonish the offender, modify the instructions, prolong the custodial supervision within the limits of the term of suspension or revoke the suspended sentence
14.	Competence	Court
15.	Court/Institution which supervises probation	Court
16.	Exchange of information	By criminal records

Termination of the period of probation / Legal remedies

17. What happens after the period of probation has terminated? Pardon of the remaining sentence without any further proceedings

18. Legal remedies in case of decisions which are not made by a court -

Independent alternative sanctions

19. Independent alternative sanctions? Community service

20. Cross-border cooperation required? Yes

Cross-border cooperation

21. Practical relevance No experience

22. Contractual regulations with other Member States? None

23. Additional information necessary? -

24. Welcome in principle an EU instrument? Yes

Member State: Slovak Republic (SK)

	Questionnaire	Answers
	Suspension of sentence	
1	Possibility of suspending a prison sentence	Yes
2	Immediate suspension in whole or in part, conditional sentence, conditional release	Immediate suspension of a prison sentence in whole, conditional release
3	Conditions	Conditional release: In view of the circumstances of the offence and the behaviour during the service of the sentence
4	Competent court or institution	Sentencing court (in case of conditional release the district court in which district the sentence is served)
5	Max. length of the prison sentence which may be suspended	2 years (3 years in case of supervised probation)
	Duration of probation	
6	How long may the period of probation last?	Min. 1 year, max. 5 years (max. 7 years in case of conditional release, period of supervision 3 years)
7	Period subsequently alterable?	Yes, extension: add. max. 2 years within the established maximum duration
8	Competence	Sentencing court
	Conditions, instructions and other measures	
9	Possibility of connecting conditions with suspension: description of measures	Yes, certain restrictions and duties
10	Probation Assistance	Probation and Mediation Officers (District Court)
11	Competence	Court
12	Probation measures subsequently alterable?	Yes (by court)
	Violation of conditions, instructions and other measures	
13	Revocation	Yes, in case of breaching certain conditions the prison sentence is enforced entirely or partially.
14	Competence	Court
15	Court/Institution which supervises probation	Probation and Mediation Officers, instructed by court (District Court); guided and assist by the Ministry of Justice
16	Exchange of information	Reports by probation officers, requests to other authorities, criminal records

Termination of the period of probation / Legal remedies		
17	What happens after the period of probation has terminated?	Court shall decide on the compliance of the probation conditions.
18	Legal remedies in case of decisions which are not made by a court	-
Independent alternative sanctions		
19	Independent alternative sanctions?	House arrest, mandatory work
20	Cross-border cooperation required?	Yes
Cross-border cooperation		
21	Practical relevance	Yes
22	Contractual regulations with other Member States?	European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (ratified)
23	Additional information necessary?	Types and realizations of probation measures in other Member States
24	Welcome in principle an EU instrument?	Welcomed in principle, depending on the content

Member State: United Kingdom (UK)

	Questionnaire	Answers
	Suspension of sentence	
1.	Possibility of suspending a prison sentence	Yes; scenario 1: deferral of sentences (not in Scotland); scenario 2: conditional release; the sentence can be for a suspended custodial sentence, all determinate sentences are served in part in custody and part under supervision in the community, there is a sentence which is only served in custody at weekends, all life sentenced prisoners are supervised once released from custody
2.	Immediate suspension in whole or in part, conditional sentence, conditional release	Suspension of punishment in whole and in part (not in Scotland); conditional release
3.	Conditions	Scen. 1: court set conditions (not in Scotland); Scen. 2: prison service together with probation service sets conditions before release into the community
4.	Competent court or institution	Scen. 1: Court Scen. 2: prison service and probation service; Scotland: Scottish Ministers acting on recommendation of the Parole Board for Scotland)
5.	Max. length of the prison sentence which may be suspended	Linked to the courts; Scotland: no limits
	Duration of probation	
6.	How long may the period of probation last?	Life sentence: can be for the rest of a persons life; Scotland: determined by the Scottish Ministers
7.	Period subsequently alterable?	No
8.	Competence	See no. 4.
	Conditions, instructions and other measures	
9.	Possibility of connecting conditions with suspension: description of measures	Yes; e.g. good behaviour, to comply with supervising officer's instructions, to reside at a certain address, drug/alcohol treatment etc.
10.	Probation Assistance	Yes: National probation service (England and Wales), local authority social work departments (Scotland)
11.	Competence	Courts, prison and probation services, parole board; Scen. 2: Scottish Ministers on recommendations of the Parole Board

12.	Probation measures alterable?	subsequently	Yes: violation of conditions, instructions or other measures connected with suspension of sentence on probation or similar measures. Scen. 2 Scotland: application by local authority supervising officer to the Parole Board.
Violation of conditions, instructions and other measures			
13.	Revocation		Yes: prisoner breaks any of the conditions imposed as part of the original sentence or as part of the conditional release arrangements
14.	Competence		National probation service; local authorities (Scotland)
15.	Court/Institution which probation	which supervises	See No. 14
16.	Exchange of information		If probation officer and prisoner are in contact: court and police will make them aware of further offences; if they are not in contact: only become aware if court asks for pre-sentence reports; information: termination of the period of probation or the period in which the enforcement of a term of imprisonment was deferred in another form
Termination of the period of probation / Legal remedies			
17.	What happens after the period of probation has terminated?		Scen. 2 Scotland: if there is a sufficient period of the sentence remaining, the Parole Board is required to review the case at 12 monthly intervals
18.	Legal remedies in case of decisions which are not made by a court		No
Independent alternative sanctions			
19.	Independent alternative sanctions?		Electric tagging, community service, fines an exclusion orders; Scotland: range of community disposals such as restriction of liberty, drug treatment, community service etc.
20.	Cross-border cooperation required?		Would be useful
Cross-border cooperation			

21.	Practical relevance/experience	When offender from England/Wales moves to Scotland and is in subsequent breach of the probation element, the sentencing authorities in England/Wales are responsible for considering what action to take. Scottish courts play a role in the process in first considering whether a breach is proven. If so, referral is made to the sentencing court in England/Wales; process does not operate in reverse because suspended sentences (scen. 1) are not available in Scotland
22.	Contractual regulations with other Member States?	No
23.	Additional information necessary?	-
24.	Welcome in principle an EU instrument?	Advantages in respect of scen. 2 although extremely complex to operate. Referring to probation as a stand-alone alternative sentence: supportive towards EU-instrument