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COMMISSION STAFF WORKING DOCUMENT

Tables "State of play" and "Declarations"

Accompanying the document

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the implementation by the Member States of the Framework Decisions
2008/909/JHA, 2008/947/JHA and 2009/829/JHA on the mutual recognition of judicial
decisions on custodial sentences or measures involving deprivation of liberty, on
probation decisions and alternative sanctions and on supervision measures as an
alternative to provisional detention**

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ANNEX 1

Table State of Play of implementation of the three Framework Decisions by the Member States

	FD 2008/909/JHA ON TRANSFER OF PRISONERS	FD 2008/947/JHA ON PROBATION AND ALTERNATIVE SANCTIONS	FD 2008/829/JHA ON EUROPEAN SUPERVISION ORDER
<i>Deadline for implementation</i>	5.12.2011	6.12.2011	1.12.2012
AT	YES (1.1.2012)	YES (1.8.2013)	YES (1.8.2013)
BE	YES (18.6.2012)	YES (23.6.2013)	NO
BG	NO	YES (14.3.2012)	NO
CZ	YES (1.1.2014)	YES (1.1.2014)	YES (1.1.2014)
CY	NO	NO	NO
DE	NO	NO	NO
DK	YES (5.12.2011)	YES (5.12.2011)	YES (1.12.2012)
EE	NO	NO	NO
EL	NO	NO	NO
ES	NO	NO	NO
FI	YES (5.12.2011)	YES (5.12.2011)	YES (1.12.2012)
FR	YES (7.8.2013)	NO	NO
HR	YES (1.7.2013)	YES (1.7.2013)	YES (1.7.2013)
HU	YES (1.1.2013)	YES (1.1.2013)	YES (1.1.2013)
IE	NO	NO	NO
IT	YES (7.9.2010)	NO	NO
LT	NO	NO	NO
LU	YES (1.3.2011)	NO	NO
LV	YES (1.7.2012)	YES (1.7.2012)	YES (1.7.2012)
MT	YES (1.1.2012)	NO	NO
NL	YES (1.11.2012)	YES (1.11.2012)	YES (1.11.2013)
PL	YES (1.1.2012)	YES (1.1.2012)	YES (1.12.2012)
PT	NO	NO	NO
RO	YES (25.12.2013)	YES (25.12.2013)	YES (25.12.2013)
SE	NO	NO	NO
SI	YES (20.9.2013)	YES (20.9.2013)	YES (20.9.2013)
SK	YES (1.2.2012)	YES (1.2.2012)	YES (1.7.2013)
UK	YES (5.12.2011)	NO	NO
TOTAL:	18 MS	14 MS	12 MS

ANNEX 2
Table of Declarations¹

Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty (*Transfer of Prisoners*)

	Article 2(1) (Competent Authorities)	Article 23 (Languages)	Article 26(4) (Existing and new agreements)	Article 4(7) (Reciprocity and prior consent)	Article 7(4) (Double criminality)	Article 28(2) (Transitional provisions)
AT	Executing: Regional Courts Issuing: The Federal Ministry of Justice	German		Yes	Yes	
BE	Executing: Public Prosecutor of Brussels. If consent is required: Ministry of Justice Issuing: Public Prosecutor of the judicial district in which the sentence was issued or Ministry of Justice (if the person is in Belgium)	Dutch, French, German or English				
BG						
CZ	Executing: Regional Courts Issuing: District Courts, Regional Courts, the Municipal Court in Prague and the Municipal Court in Brno	Czech, Slovak Article 23(3): the translation into Czech or Slovak of the judgment or essential parts of it, can be requested			Yes	
DK	Executing/Issuing:	Danish	Yes			

¹ The purpose of this table is to begin a compilation of the declarations made by the Member States pursuant to the provisions of the Framework Decisions. The accuracy of the data therein will depend on the information provided by Member States.

	Article 2(1) (Competent Authorities)	Article 23 (Languages)	Article 26(4) (Existing and new agreements)	Article 4(7) (Reciprocity and prior consent)	Article 7(4) (Double criminality)	Article 28(2) (Transitional provisions)
	Ministry of Justice					
DE						
EE						
EL						
ES						
FI	Executing: District Courts Issuing: Central administrative office of the Criminal Sanctions Agency	Finnish, Swedish or English	Yes			
FR	Executing: The District Prosecutor Issuing: The Public Prosecutor					
HR	Executing: County Courts or, if the competence cannot be established, the County Court of Zagreb Issuing: County Courts	Croatian or English (in urgent cases)			Yes	
HU	Executing/Issuing: Ministry of Public Administration and Justice	Hungarian Article 23(3): the translation into Hungarian of the judgment or essential parts of it, can be requested			Yes	
IE					Yes	Yes
IT	Executing/Issuing: Ministry of Justice		"In relation to Romania, Italy intends to continue to apply existing bilateral agreement on cooperation for transfer			

	Article 2(1) (Competent Authorities)	Article 23 (Languages)	Article 26(4) (Existing and new agreements)	Article 4(7) (Reciprocity and prior consent)	Article 7(4) (Double criminality)	Article 28(2) (Transitional provisions)
			of sentenced persons to custodial sentences; sentenced persons to whom has been imposed the measure of deportation or that of accompanying to the border, as laid down by the Italian Law (n. 281 of 30/12 /2005) entered into force on 11/04/2006, in so far as such cooperation allows the objectives of the Framework Decision to be extended or enlarged and helps to simplify or facilitate further the procedures for the enforcement of custodial sentences"			
CY						
LV	Executing/Issuing: District Courts Ministry of Justice (Central Authority)	Latvian				
LT						
LU	Executing/Issuing: State Public Prosecutor's Office	French, English and German				
MT	Executing: The Office of the Attorney General Issuing: The Court of Criminal Jurisdiction	Maltese or English				Yes
NL	Executing/Issuing: Ministry of Justice	Dutch and English			Yes	Yes
PL	Executing/Issuing: Regional Courts	Polish			Yes	Yes
PT						

	Article 2(1) (Competent Authorities)	Article 23 (Languages)	Article 26(4) (Existing and new agreements)	Article 4(7) (Reciprocity and prior consent)	Article 7(4) (Double criminality)	Article 28(2) (Transitional provisions)
RO						
SI	Executing: District Courts or, if the competence cannot be established, District Court in Ljubljana Issuing: District Courts	Slovenian, English Article 23(3): the translation into Slovenian of the judgment or essential parts of it, can be requested			Yes	
SK	Executing: Regional Courts or, if the competence cannot be established, Regional Court in Bratislava Issuing: Regional Courts	Slovak Article 23(3): the translation into Slovak of the judgment or essential parts of it, can be requested				
SE						
UK	Executing/Issuing: England and Wales: The Cross Border Transfer Section National Offender Management Service London Scotland: Scottish Prison Service Headquarters Edinburgh Northern Ireland: The Northern Ireland Prison Service Belfast	English				

Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions (*Probation and Alternative Sanctions*)

	Article 3(1) (Competent Authorities)	Article 4(2) (Additional types of probation measures and alternative sanctions)	Article 5(4) (Conditions of forwarding a judgment / probation decision)	Article 10(4) (Double criminality)	Article 14(3) (Refusal to assume responsibility for subsequent decisions)	Article 21 (Languages)	Article 23 (Other agreements and arrangements)
AT	Executing: Regional Courts Issuing: District Courts and Regional Courts		If particular circumstances or links of the sentenced person to Austria are of such intensity that monitoring in Austria will serve the facilitation of social rehabilitation and reintegration of the sentenced person into society		In certain cases, AT will refuse to assume responsibility for subsequent decisions referred to in Article 14(1)(b) and (c)	German Other languages if based on reciprocity, i.e. that the executing State shall accept certificates in German	
BE	Executing: Public Prosecutor. If consent is required: Ministry of Justice Issuing: Public Prosecutor					Dutch, French, German, English	
BG	Executing: Provincial Courts or Sofia City Court Issuing: First-instance Courts		In exceptional cases, if the person is present in, or will move to Bulgaria, in order to work, study, or train or because he is a family member of a lawful resident of			Bulgarian	

	Article 3(1) (Competent Authorities)	Article 4(2) (Additional types of probation measures and alternative sanctions)	Article 5(4) (Conditions of forwarding a judgment / probation decision)	Article 10(4) (Double criminality)	Article 14(3) (Refusal to assume responsibility for subsequent decisions)	Article 21 (Languages)	Article 23 (Other agreements and arrangements)
			Bulgaria				
CZ							
CY							
DE							
DK	Executing/Issuing : Ministry of Justice or his/her representative - Department of Prisons and Probation	Decisions on intensive monitoring at the sentenced person's place of residence			In certain cases, DK will refuse to assume responsibility for subsequent decisions referred to in Article 14(1)(b) and (c)	Danish	
EE							
EL							
ES							
FI	Executing/Issuing : Central administrative office of the Criminal Sanctions Agency / District courts		Where probation in Finland because of particular personal circumstances or other special reason would favour chances of adjusting to society		In certain cases, FI will refuse to assume responsibility for subsequent decisions referred to in Article 14(1)(b) and (c)	Finnish, Swedish English	Act on cooperation between Finland and other Nordic States will continue to apply
FR							

	Article 3(1) (Competent Authorities)	Article 4(2) (Additional types of probation measures and alternative sanctions)	Article 5(4) (Conditions of forwarding a judgment / probation decision)	Article 10(4) (Double criminality)	Article 14(3) (Refusal to assume responsibility for subsequent decisions)	Article 21 (Languages)	Article 23 (Other agreements and arrangements)
HR	<p>Executing: County Courts or, if the competence cannot be established, County Court of Zagreb</p> <p>Issuing: County Courts for the decisions issued by themselves as well as for the decisions of the municipal courts from the area of their local competence</p>	<p>- the court may order the offender to pay a certain amount of money within a certain date in favour of a public institution, or towards humanitarian or charitable purposes, or into a fund for compensating victims of crime, if appropriate with regard to the offence committed and the identity of the offender,</p> <p>-the supervised disposal of revenue in accordance with the needs of the persons whom offenders are required to support by law and according to the advice of the probation authority,</p> <p>-protective orders for the benefit of the victim or other persons,</p> <p>-the prohibition of harassing or stalking victims or any other person,</p> <p>-the fulfilment of maintenance obligations</p>	<p>Consent of the Ministry of Justice together with that of the sentenced person is required. The social rehabilitation and reintegration of the sentenced person will be taken into account</p>		<p>In certain cases, HR will refuse to assume responsibility for subsequent decisions referred to in Article 14(1)(b) and (c)</p>	<p>Croatian or English (in urgent cases)</p>	

	Article 3(1) (Competent Authorities)	Article 4(2) (Additional types of probation measures and alternative sanctions)	Article 5(4) (Conditions of forwarding a judgment / probation decision)	Article 10(4) (Double criminality)	Article 14(3) (Refusal to assume responsibility for subsequent decisions)	Article 21 (Languages)	Article 23 (Other agreements and arrangements)
HU	Executing: Local Courts or, if the competence cannot be established, Buda Central District Court Issuing: Local Courts	- ban from visiting sport events - work performed in amends	If the sentenced person provides proof of close family, cultural or economic connections with Hungary	Yes		Hungarian	
IE							
IT							
LT							
LU							
LV	Executing/Issuing: District Courts Ministry of Justice (Central Authority)					Latvian	
MT							
NL	Executing/Issuing: Public Prosecutor in Haarlem	Decision on electronic supervision		Yes	In certain cases, NL will refuse to assume responsibility for subsequent decisions referred to in Article 14(1)(b) and (c)	Dutch and English	
PL	Executing/Issuing: District Courts, Regional Courts, Regional Court of Warsaw		Where the Polish authorities deem that this would better serve the educational or preventive aims of the sanction	Yes	In certain cases, PL will refuse to assume responsibility for subsequent decisions referred to in Article 14(1)(b) and (c)	Polish	
PT							

	Article 3(1) (Competent Authorities)	Article 4(2) (Additional types of probation measures and alternative sanctions)	Article 5(4) (Conditions of forwarding a judgment / probation decision)	Article 10(4) (Double criminality)	Article 14(3) (Refusal to assume responsibility for subsequent decisions)	Article 21 (Languages)	Article 23 (Other agreements and arrangements)
RO							
SE							
SI	Executing: District Courts or, if the competence cannot be established, District Court in Ljubljana. Issuing: District Courts				In certain cases, SI will refuse to assume responsibility for subsequent decisions referred to in Article 14(1)(b) and (c)	Slovenian, English	
SK	Executing: Regional Courts or, if the competence cannot be established, Regional Court in Bratislava Issuing: Regional Courts					Slovak	
UK							

Council Framework Decision 2009/829/JHA of 23 October 2009 on the application of mutual recognition to decisions on supervision measures as an alternative to provisional detention (*European Supervision Order*)

	Article 6 (1) (Competent Authorities)	Article 7 (3) (Recourse to Central Authority)	Article 8 (2) (Types of supervision measures)	Article 9 (4) (Conditions of forwarding supervision measures)	Article 14 (4) (Double criminality)	Article 21 (3) (Surrender of the person)	Article 24 (Languages)	Article 26 (3)(4) (Existing and new agreements)
AT	Executing: Regional Courts Issuing: Regional Courts		- an obligation not to drive a vehicle - an obligation to deposit a certain sum of money or to give another type of guarantee - an obligation to undergo therapeutic treatment or treatment for addiction	If particular circumstances or links of the sentenced person to Austria are of such intensity that monitoring in Austria will serve the social rehabilitation and reintegration of the sentenced person into society		AT will apply Article 2 (1) of FD EAW	German Other languages if based on reciprocity, i.e. that the executing State shall accept certificates in German	
BE								
BG								
CZ	Executing: District Courts Issuing: - all Courts (District Courts, Regional Courts, High Courts, the Municipal Court in Prague, the Municipal Court in Brno and the Supreme Court)	Ministry of Justice and the Supreme Prosecutor's Office		- the person against whom such a decision is directed requests that it be sent to the Czech Republic for recognition and execution; - the person against whom such a decision is directed is staying in the Czech Republic, or if it can reasonably be assumed		CZ will apply Article 2 (1) of FD EAW	Czech, Slovak	

	Article 6 (1) (Competent Authorities)	Article 7 (3) (Recourse to Central Authority)	Article 8 (2) (Types of supervision measures)	Article 9 (4) (Conditions of forwarding supervision measures)	Article 14 (4) (Double criminality)	Article 21 (3) (Surrender of the person)	Article 24 (Languages)	Article 26 (3)(4) (Existing and new agreements)
	- all Prosecutors' Offices (District Prosecutors' Offices, Regional Prosecutors' Offices, High Prosecutors' Offices, the Municipal Prosecutor's Office in Prague, the Municipal Prosecutor's Office in Brno and the Supreme Prosecutor's Office)			that this person intends to stay here; and - a single judge agrees to accept the decision of that Member State for recognition and execution in the Czech Republic because of the appropriateness and effectiveness of this procedure in terms of ensuring that influence is successfully exerted on that person and that his conduct is efficiently controlled				
CY								
DE					Yes			
DK	Executing/Issuing: Ministry of Justice		Other measures which are less severe than provisional detention including those listed in Article 8(2)			DK will apply Article 2(1) of FD EAW	Danish	
EE								
EL								

	Article 6 (1) (Competent Authorities)	Article 7 (3) (Recourse to Central Authority)	Article 8 (2) (Types of supervision measures)	Article 9 (4) (Conditions of forwarding supervision measures)	Article 14 (4) (Double criminality)	Article 21 (3) (Surrender of the person)	Article 24 (Languages)	Article 26 (3)(4) (Existing and new agreements)
ES								
FI	Executing: Public Prosecutor Issuing: - Public Prosecutor - District Courts, Courts of Appeal and Supreme Court	Ministry of Justice		Consent may be given if the person concerned has requested that supervision be carried out in Finland and if this is justifiable on grounds of the personal circumstances of the supervised person or for some other special reason			Finnish, Swedish or English. The competent authority may also accept contact requests in another language if no obstacle to its use exists	
FR								
HR	Executing: The County State Attorney's Offices, if the competence cannot be established, County Court of Zagreb Issuing: County Courts	Ministry of Justice	- the execution of measures prohibiting the performance of certain business activities - the prohibition of driving motor vehicles, with the temporary suspension of driving licences	Consent may be given at the request of the person whom these measures refer to, on the condition that the latter authority consents to it and if the person has given consent, provided that the person has resided in Croatia at least one year and is bound by family or business connections		HR will apply Article 2(1) of FD EAW	Croatian or English (in urgent cases)	
HU	Executing: Local Courts or, if the competence cannot be established, Buda Central			If the sentenced person provides proof of close family, cultural or economic connections	Yes		Hungarian	

	Article 6 (1) (Competent Authorities)	Article 7 (3) (Recourse to Central Authority)	Article 8 (2) (Types of supervision measures)	Article 9 (4) (Conditions of forwarding supervision measures)	Article 14 (4) (Double criminality)	Article 21 (3) (Surrender of the person)	Article 24 (Languages)	Article 26 (3)(4) (Existing and new agreements)
	District Court Issuing: Local Courts			with Hungary				
IE								
IT								
LT					Yes			
LU								
LV	Executing/Issuing: Prosecutor General's Office						Latvian	
MT								
NL	Executing/Issuing: Public Prosecutor in Haarlem		Decision on electronic supervision	If the person concerned has requested the decision to be forwarded and if proven and sufficient links exists with the Netherlands		NL will apply Article 2(1) of FD EAW	Dutch and English	
PL	Executing: Public Prosecutor's Offices		- the obligation to refrain from carrying out an official function or	A public prosecutor may consent to the execution of a ruling against a person who is not	Yes			

	Article 6 (1) (Competent Authorities)	Article 7 (3) (Recourse to Central Authority)	Article 8 (2) (Types of supervision measures)	Article 9 (4) (Conditions of forwarding supervision measures)	Article 14 (4) (Double criminality)	Article 21 (3) (Surrender of the person)	Article 24 (Languages)	Article 26 (3)(4) (Existing and new agreements)
	Issuing: Regional Courts or Public Prosecutor's Offices		profession - the obligation to refrain from engaging in a specified type of activity - the obligation to refrain from driving a specified type of vehicle	lawfully and ordinarily residing in Poland if it greatly contributes to ensuring the proper conduct of proceedings				
PT								
RO								
SE								
SI	Executing: District Courts or, if the competence cannot be established, District Court in Ljubljana Issuing: District Courts		- an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment - an obligation not to drive a vehicle - an obligation to deposit a certain sum of money or to	If it may be expected, based on the circumstances of each individual case, that the defendant will permanently or temporary reside on the territory of Slovenia during the enforcement of the measure and the supervision of the enforcement will be effective			Slovenian, English	

	Article 6 (1) (Competent Authorities)	Article 7 (3) (Recourse to Central Authority)	Article 8 (2) (Types of supervision measures)	Article 9 (4) (Conditions of forwarding supervision measures)	Article 14 (4) (Double criminality)	Article 21 (3) (Surrender of the person)	Article 24 (Languages)	Article 26 (3)(4) (Existing and new agreements)
			give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once - an obligation to undergo therapeutic treatment or treatment for addiction					
SK	Executing: Regional Courts or, if the competence cannot be established, Regional Court in Bratislava Issuing: Regional Courts		- an obligation not to engage in specific activities in relation with the offence(s) allegedly committed, which may include working in a specified profession or field of employment - driving bans	If it is the Member State in which the person concerned has their habitual residence and was previously authorised by the competent authority of the Member State to which the decision on supervision measures is referred Condition that the person concerned has their habitual residence in the Slovak Republic, unless other reasons arising from the Framework Decision prevent this			Slovak	
UK								

