



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

from:	Mr. Jan Store, Permanent Representative, Permanent Representation of Finland to the European Union
to:	Mr. Rafael Fernández-Pita y González, Director-General, Council of the European Union
date of receipt :	30 November 2012
Subject :	Council Framework Decision 2009/829/JHA on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention - Notification of the implementation of the Council Framework Decision by Finland

The Permanent Representation of Finland forwards herewith Finland's notification of implementation and the implementing legal provisions concerning Framework Decision 2009/829/JHA.

(Complimentary close)

(s.) Jan Store

MINISTRY OF JUSTICE

Legislative drafting department

22.11.2012

OM 15/41/2010

EU/2006/1311

Permanent Representation of Finland to the European Union

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**COUNCIL FRAMEWORK DECISION 2009/829/JHA ON THE APPLICATION,
BETWEEN MEMBER STATES OF THE EUROPEAN UNION, OF THE PRINCIPLE OF
MUTUAL RECOGNITION TO DECISIONS ON SUPERVISION MEASURES AS AN
ALTERNATIVE TO PROVISIONAL DETENTION**

The Ministry of Justice requests the Permanent Representation of Finland to the European Union to forward the attached notification of implementation and the implementing legal provisions concerning Framework Decision 2009/829/JHA to the General Secretariat of the Council of the European Union and to the European Commission.

We confirm that the implementing legal provisions came into force on 1 December 2012.

Director-General

(signature)

Pekka Nurmi

Counsellor

(signature)

Sanna Mikkola

Encl.: Finnish notification of implementation
Implementing legal provisions

NOTIFICATION OF IMPLEMENTATION OF EU LEGISLATION

To: General Secretariat of the Council and Commission

From: Finland

Law to be notified: Council Framework Decision 2009/829/JHA on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention

National legislation on implementation of the framework decision

620/2012

Law on national implementation of provisions relating to the area of legislation of the framework decision on supervision measures decided on as an alternative to provisional detention, and application of the framework decision (620/2012).

621/2012

Law amending paragraph 2 of the law on surrender arising from a criminal offence between Finland and other European Union Member States (621/2012).

Implementation in the Åland Islands

The abovementioned national legislation automatically comes into force also in the province of the Åland Islands.

1. Competent authorities (Articles 6(1) and 7(3) of the Framework Decision)

Where Finland is the executing state, the following authorities are competent to recognise a decision on supervision measures:

- District court prosecutors operating within the jurisdiction of Helsinki district court, if it is intended that the supervision is to be organised in the area of jurisdiction of Helsinki or Kouvola Court of Appeal;
- District court prosecutors operating within the jurisdiction of North Savo District Court, if it is intended that the supervision is to be organised in the area of jurisdiction of East Finland Court of Appeal;
- District court prosecutors operating within the jurisdiction of Oulu district court, if it is intended that the supervision is to be organised in the area of jurisdiction of Rovaniemi Court of Appeal;
- District court prosecutors operating within the jurisdiction of Pirkanmaa district court, if it is intended that the supervision is to be organised in the area of jurisdiction of Turku or Vaasa Court of Appeal.

Any of the aforementioned district prosecutors may decide to recognise a decision independently of the appeal court jurisdiction within which it is intended to organise the supervision, if this is deemed appropriate for purposes of execution of the decision on supervision measures or for any other special reason.

The authority deciding on recognition has competence to decide also on adaptation of the supervision measures.

Where Finland is the issuing state, the competent authorities for taking a decision on supervision measures are:

- the prosecutor assigned to the criminal case in question
- the court dealing with the arrest request (district court, appeal court or supreme court)

The authority referred to in Article 7 of the Framework Decision is the Ministry of Justice.

Authorities in the other Member States may contact their Ministry of Justice about questions relating to the procedure under the Framework Decision.

2. Supervision measures (Article 8(2) of the Framework Decision)

Where it is the executing state, Finland only monitors supervision measures as referred to in Article 8(1) of the Framework Decision.

3. Forwarding to Finland of a decision on supervision measures with the consent of the competent authorities (Article 9(4) of the Framework Decision)

Finland can accept a decision on supervision measures with the consent of the authorities deciding recognition in the cases referred to in Article 9(2) of the Framework Decision or where the person to be supervised has no permanent residence in Finland. Consent may be given where the person to be supervised has requested that the supervision be organised in Finland and this is justified on the grounds of the personal circumstances of the person to be supervised or for any other reason.

4. Languages (Article 24 of the Framework Decision)

Finland accepts communications in Finnish, Swedish and English, in accordance with the Framework Decision. The competent authority may accept communications also in other languages provided there is no other obstacle to their use.