



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 July 2013

12709/13

**COPEN 114
EJN 45
EUROJUST 61**

NOTE

from:	Mr. Maciej Lewandowski, Minister-Counsellor, Permanent Representation of the Republic of Poland to the European Union
to:	Mr. Rafael Fernández-Pita y González, Director-General, Council of the European Union
date of receipt :	11 July 2013
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 Poland

Further to the notification of 30 November 2012 (14252/12 COPEN 209), I have the honour to request that you replace the declarations and information provided by the Republic of Poland with reference to Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention by the declarations and information attached to this letter.

(Complimentary close)

(s.) Maciej Lewandowski

On the basis of Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention (OJ L 294, 11.11.2009, p. 20) and with reference to the information sent on 30 November 2012 (ST 14252/12), the Republic of Poland hereby gives notice of and declares the following:

In accordance with Article 27 of the Framework Decision, the Republic of Poland hereby gives notice that the Framework Decision was transposed on 1 December 2012.

In accordance with Article 6(1) of the Framework Decision, the Republic of Poland hereby gives notice that the authorities competent to act according to the Framework Decision are:

- (a) where the Republic of Poland is the issuing State: the regional courts or public prosecutor's offices;
- (b) where the Republic of Poland is the executing State: the public prosecutor's offices with local jurisdiction depending on the lawful, ordinary place of residence of the offender.

In accordance with Article 8(2) of the Framework Decision, the Republic of Poland hereby gives notice that, apart from the measures referred to in Article 8(1) of the Framework Decision, it is prepared to monitor the following supervision measures:

- (a) the obligation to refrain from carrying out an official function or profession;
- (b) the obligation to refrain from engaging in a specified type of activity;
- (c) the obligation to refrain from driving a specified type of vehicle.

In accordance with Article 9(4) of the Framework Decision, the Republic of Poland hereby gives notice that upon request of the competent court or other authority of the State issuing the ruling, a public prosecutor may consent to the execution of a ruling against a person who is not lawfully and ordinarily residing in the territory of the Republic of Poland if it greatly contributes to ensuring the proper conduct of proceedings.

In accordance with Article 14(4), the Republic of Poland recalls that, by virtue of the Declaration submitted to the General Secretariat of the Council upon adoption of the Framework Decision, the Republic of Poland will not apply Article 14(1) of the Framework Decision.
