



**COUNCIL OF
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NOTE

from:	Mr. Ivan Korčok, Ambassador, Permanent Representation of the Slovak Republic to the European Union
to:	Mr. Rafael Fernández-Pita y González, Director-General, Council of the European Union
date of receipt :	5 December 2013
Subject :	Council Framework Decisions 2008/947/JHA, 2009/829/JHA and 2009/948/JHA - Notifications of the implementation of the Council Framework Decisions by Slovak Republic

Dear Director-General,

Regarding the transposition of 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 (as amended by Council Framework Decision 2009/299/JHA of 26 February 2009), 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, and Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings, please find attached the relevant notifications by the Slovak Republic (annexes 1 to 3).

Annexes: - Declaration by the Slovak Republic pursuant to Framework Decision 2008/947/JHA
- Declaration by the Slovak Republic pursuant to Framework Decision 2009/829/JHA
- Declaration by the Slovak Republic pursuant to Framework Decision 2009/948/JHA

(Complimentary close)

(s.) Ivan Korčok

Notification by the Slovak Republic

concerning 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

The Slovak Republic hereby issues the following notifications:

Article 3(1)

"The competent authority of the Slovak Republic that may request the transfer to another Member State of the execution of a decision imposing a criminal sanction not involving a custodial sentence or imposing probation measures is the court that issued the decision.

The competent authority of the Slovak Republic for the recognition and execution of a decision issued by another Member State imposing a criminal sanction not involving a custodial sentence or imposing probation measures is the district court in whose area of jurisdiction the sentenced person ordinarily resides."

Article 5(2)

"For the purposes of securing the execution of a decision, the court may, upon request of the sentenced person, forward the judgment and, where applicable, the probation decision to a competent authority of a Member State other than the Member State in which the sentenced person ordinarily resides, on condition that the executing judicial authority gives its consent. The execution of a decision may be transferred to only one Member State at a time."

Article 21

"Certificates forwarded to the Slovak judicial authorities must be drawn up in Slovak."

Notification by the Slovak Republic

concerning 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

The Slovak Republic hereby issues the following notification:

Article 6(1)

"The competent authority of the Slovak Republic as issuing State for the transfer of the execution of a decision on supervision measures to another Member State is the court or judge for the preparatory proceedings who decides on custody pursuant to the general provisions on criminal proceedings. The competent authority of the Slovak Republic as executing State for the recognition and execution of a decision on supervision measures is the district court in whose area of jurisdiction the sentenced person ordinarily resides; if the sentenced person ordinarily resides in the Slovak Republic and has both a permanent place of residence and a temporary place of residence, the competent authority is the district court in whose area of jurisdiction the sentenced person permanently resides."

Article 8(2)

"In addition to the supervision measures referred to in Article 8(1) of the Framework Decision, the Slovak Republic is also prepared to monitor the following supervision measures:

- an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, in particular involvement in a specified profession or field of employment;
- an obligation not to drive a vehicle."

Article 9(4)

"The Slovak Republic as issuing State, upon request of the person concerned, will forward a decision on supervision measures to a Member State other than the Member State in which the person ordinarily resides, on condition that the competent judicial authority of the Member State to which the decision on supervision measures is to be forwarded gives consent in advance.

The Slovak Republic as executing State will recognise and execute a decision on supervision measures only on condition that the person concerned ordinarily resides in the Slovak Republic, unless prevented from doing so by other grounds arising from the Framework Decision."

Article 24

"Certificates forwarded to the authorities of the Slovak Republic may be accepted for further action if they are drawn up in Slovak."

Notification by the Slovak Republic

**concerning Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention
and settlement of conflicts of exercise of jurisdiction in criminal proceedings**

The Slovak Republic hereby issues the following notification:

Article 14(1)

"For procedures under Chapter 2 of the Framework Decision, the Slovak Republic will request
Slovak."
