



**COUNCIL OF
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NOTE

from:	Mr. Kornelios Korneliou, Ambassador, Permanent Representative, Permanent Representation of Cyprus to the European Union
to:	Mr. Rafael Fernández-Pita y González, Director-General, Council of the European Union
date of receipt:	11 June 2014
Subject:	Council Framework Decision 2008/947/JHA 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 - Notification by Cyprus

In fulfilment of the obligations of the Republic of Cyprus arising from the above Framework Decision, I hereby forward to you the relevant declarations/notifications by the Republic of Cyprus and the text of its Law of 2014 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.

(Complimentary close)

(s.) Kornelios Korneliou

Council Framework Decision 2008/947/JHA 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

(1) Notification pursuant to Article 3 of the Framework Decision

Competent authorities

(a) When the Republic of Cyprus is the issuing State:

- the authority competent for issuing decisions is the assize court or the district court which issued the judgment;

(b) When the Republic of Cyprus is the executing State:

- the authority competent for enforcement of a decision of another Member State is the district court within the territorial jurisdiction of which the person against whom the decision has been issued in another Member State is lawfully or ordinarily resident,
- the authority competent to take the ensuing necessary measures for the supervision of the probation measures or alternative sanctions is the competent Ministry, section or service of the Republic of Cyprus, as appropriate.

(c) The Ministry of Justice and Public Order assists the competent authorities issuing and enforcing the decision in the transmission and receipt of the judgment and with the official correspondence.

(2) Declaration pursuant to Article 5(4) of the Framework Decision

The competent executing authority of the Republic of Cyprus may consent to the forwarding of a judgment issued in another Member State and, where applicable, the probation decision, only when the sentenced person is lawfully and ordinarily resident in the Republic of Cyprus and has returned or wants to return there.

(3) Declaration pursuant to Article 14(3) of the Framework Decision

The Republic of Cyprus declares that, for all the cases referred to in Article 14(3), it will not assume responsibility for taking any subsequent decision in the event of the sentenced person's non-compliance with a probation measure or alternative sanction or if he commits a new criminal offence. In such cases jurisdiction will be transferred back to the competent authority of the issuing Member State.

(4) Declaration pursuant to Article 21 of the Framework Decision

The Republic of Cyprus declares that it will accept any documents (judgment and certificate) if they are in Greek, or in both of the official languages of the Republic of Cyprus, or in English.
