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European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	8138/15 COPEN 93 EUROJUST 76 EJN 33
Subject:	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 - Notification made by Spain

Delegations will find attached the notification made by Spain in relation to 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.

This notification is also included in doc 8138/15, comprising several notifications by Spain, but is distributed in this individual format at the request and for the convenience of delegations.

Notification made by Spain**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**

- In accordance with Article 27(2) of the Framework Decision, we inform you that these obligations have been implemented under Title V of Law 23/2014.
- In compliance with the obligation to give notification of the competent authorities according to the Framework Decision, provided for in Article 6(1) thereof, we hereby inform you that, on the basis of Article 111 of Law 23/2014, the authorities competent to issue a ruling on alternative measures to provisional detention are the Judges or Courts that issued the decision to grant bail to the person concerned during criminal proceedings. On the other hand, the authorities that are competent to recognise and enforce a ruling on alternative measures to provisional detention are the examining magistrates or the Judges for Violence Against Women of the place where the person concerned has their established residence, according to the type of offence for which those authorities have jurisdiction. Pursuant to Article 7(3) of the Framework Decision and in accordance with Article 6(3) of Law 23/2014, the Ministry of Justice will be the central authority for the purposes of Article 7(1) of the Framework Decision.
- Article 8(2) of the Framework Decision obliges Member States to give notification of additional supervision measures they are prepared to monitor. We inform you that, in accordance with Article 110 of Law 23/2014, we are prepared to assume the following additional supervision obligations:
 - (a) Disqualification from involvement in specified professions or activities linked to the offence allegedly committed.

- (b) Obligation not to drive motor vehicles.
 - (c) Obligation to deposit a sum of money or to give another type of guarantee, either through specific instalments or entirely at once.
 - (d) Obligation to undergo drug treatment or treatment for addiction.
 - (e) Prohibition on owning and carrying arms or other specific objects in relation with the offence prosecuted.
- Article 9(4) of the Framework Decision requires Member States to declare to the General Secretariat of the Council the conditions under which their competent authorities may, at the request of the person concerned, consent to the forwarding to another Member State (other than the Member State in which the person is ordinarily residing) of rulings on supervision measures.
- Pursuant to this requirement, Article 112 of Law 23/2014 provides that the competent Judge or Court will forward the decision on alternative measures to provisional detention to the competent authority of the Member State in which either of the following circumstances arises:
 - (a) The person concerned is legally and habitually resident in the executing State and agrees to return to that State.
 - (b) The person concerned asks to go to a different State to the one in which he or she is normally resident, and the competent authority of that State agrees to the request.
- By virtue of Article 21(3) of the Framework Decision, Spain hereby gives notification that Article 2(1) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States will apply.