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**NOTE**

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From:	Mr Dimitar Tzantchev, Ambassador, Permanent Representation of the Republic of Bulgaria to the European Union
On:	22 November 2016
To:	Ms Christine Roger, Director General, Council of the European Union
Subject:	Transposition 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 of supervision measures as an alternative to provisional detention - Notification made by the Republic of Bulgaria

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Dear Director General,

Please find enclosed notifications from the Republic of Bulgaria concerning 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.

(Complimentary close)

(s.) Dimitar Tzantchev

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In application of the Republic of Bulgaria's obligation to transpose *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 "Law on the recognition, execution and transmission of decisions on the implementation of supervision measures other than detention" was adopted (State Gazette, no. 33 of 26 April 2016). The law will enter into force on 27 May 2016.

In this connection, we submit the following notifications and declarations in accordance with the Framework Decision:

**1) Notifications pursuant to Article 6(1) ('Designation of competent authorities'):**

In the Republic of Bulgaria, the authority competent to recognise a decision on supervision measures other than a detention order issued in another Member State of the European Union is the regional court in the place of residence of the person to whom the measure is addressed. In cases where the person does not have a place of residence within the territory of the country, the authority competent to recognise the decision shall be Sofia City Court.

The authority competent to transmit a decision on a supervision measure to another Member State of the European Union is the supervising prosecutor.

**2) Notifications pursuant to Article 8(2) ('Types of supervision measures')**

Bulgaria is willing to supervise the following measures:

(a) an obligation not to engage in specified activities in relation with the offence(s) allegedly committed, which may include involvement in a specified profession or field of employment; or

(b) an obligation to deposit a certain sum of money or to give another type of guarantee, which may either be provided through a specified number of instalments or entirely at once.

**3) Notifications pursuant to Article 9(4) ('Criteria relating to the Member State to which the decision on supervision measures may be forwarded')**

In accordance with Article 9(4), Bulgaria can recognise and supervise a decision on a supervision measure with respect to a person who is not continuously or permanently resident within the territory of the Republic of Bulgaria, when one or more of the following conditions are met:

1. the person is a Bulgarian citizen;
2. the supervision measure may be supervised in the Republic of Bulgaria;
3. the person has stated that he or she will reside within the territory of the Republic of Bulgaria with a view to carrying out specific work;
4. the person is a member of family which resides permanently in the Republic of Bulgaria;
5. the person has stated that he or she will reside within the territory of the Republic of Bulgaria in order to study for professional qualifications or a degree.

**4) Notifications pursuant to Article 21(3) ('Surrender of the person'):**

The Republic of Bulgaria has availed itself of the option set out in Article 2(1) of Framework Decision 2002/584/JHA concerning the European Arrest Warrant and the surrender procedures between Member States.

**5) Declaration pursuant to Article 24 ('Languages'):**

The Republic of Bulgaria declares that it accepts a translation of the certificate into Bulgarian.