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**NOTE**

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From:	Luminita Odobescu, Permanent Representative of Romania to the EU
On:	28 February 2020
To:	Christine Roger, Director-General, General Secretariat of the Council
Subject:	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 - Revised notification by Romania under Article 3

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I am pleased to send you, hereby attached, the updated notification of Romania under Article 3 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.

This notification replace the previous one.

(Complimentary close)

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**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**

Romania transposed Framework Decision 2008/947/JHA of 27 November 2008 through Title VII, Chapter II, of *Law No 302/2004 on international judicial cooperation in criminal matters*, which has subsequently been amended and supplemented, and republished<sup>1</sup>.

In view of the need to update its statements and notifications, Romania supplements as follows its notifications regarding the implementation of *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*, as contained in working document 5681/14.

**Notification pursuant to Article 3:**

When Romania is the **executing state**, recognition of foreign judgments and probation decisions ordering compliance with probation measures or an alternative sanction falls within the competence of the district court within whose jurisdiction the person resides.

The contact details of the competent courts can be found in the Atlas of the European Judicial Network via the following link: [https://www.ejn-crimjust.europa.eu/ejn/ejn\\_home.aspx](https://www.ejn-crimjust.europa.eu/ejn/ejn_home.aspx).

Notwithstanding the above, competence lies with the court ruling on another offence committed by the person sentenced through the foreign judgment when that offence could lead to the revocation or annulment of the sanction imposed by the foreign court.

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<sup>1</sup> The republished version can be found in Official Gazette No 411 of 27 May 2019.

Supervision of compliance with the probation measures or alternative sanction imposed through the judgment or probation decision that has been subject to recognition falls within the competence of the probation service attached to the district court within whose jurisdiction the person resides.

When Romania is the **issuing state**, settlement of a request for execution in another Member State of the European Union of a judgment delivered by a Romanian court, when the sentenced person is to serve or is currently serving the sentence, falls within the competence of the court that delivered at first instance the judgment of which recognition is sought. When the judgment was delivered by the High Court of Cassation and Justice, competence lies with Bucharest District Court.

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