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COVER NOTE

from:	Permanent Representation of Finland to the European Union
to:	Mr. Rafael Fernández-Pita y González, Deputy Director-General, Council of the European Union
date of receipt :	11 January 2012
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 of implementation of the EU Legislation by Finland

Legislation notified:

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.

National legislation on the implementation of the framework decision:

1169/2011

Act concerning national implementation of legislation falling within the scope of provisions of the framework decision on the transfer of sentenced persons in the European Union and application of the framework decision (1169/2011).

1170/2011

Act concerning national enforcement of legislation falling within the scope of provisions of the framework decision on probation measures and alternative sanctions in the European Union and application of the framework decision (1170/2011).

1173/2011

Act amending Chapter 31(9)(b) of the Code of Civil Procedure (1173/2011).

Enforcement in the Åland Islands

The abovementioned legislation automatically applies also in the Åland Islands.

Notifications required in Framework Decision 2008/947/JHA**Competent authorities (Article 3(1) and Article 5)**

The central administrative office of the Criminal Sanctions Agency is the authority competent to forward a judgment in accordance with Article 5 of the Framework Decision and where applicable a probation decision to another Member State and to decide on the enforcement of a judgment and probation decision sent to Finland.

In the circumstances referred to in Article 5(2) of the Framework Decision, the central administrative office of the Criminal Sanctions Agency may consent to a judgment and probation decision handed down in another Member State being forwarded to Finland, where probation in Finland because of particular personal circumstances or other special reason would favour the chances of adjusting to society of the person intended for probation or sentenced to an alternative sanction.

In circumstances such as those referred to in Article 9 of the Framework Decision, the central administrative office of the Criminal Sanctions Agency is the authority competent to decide on the adaptation of the probation measures or alternative sanctions. However, where in a corresponding case in Finland the court would decide the measure, the decision will be taken by the Helsinki district court.

The district courts are the authorities competent to take subsequent decisions as referred to in Article 14(1)(b) and (c) of the Framework Decision.

Measures supervised in Finland (Article 4(2))

Finland will supervise the probation measures referred to in Article 4(1).

Jurisdiction to take subsequent decisions (Article 14(3))

Finland will not exercise jurisdiction to take the subsequent decisions referred to in Article 14(3) of the Framework Decision in circumstances as in Article 14(1)(b) and (c), where

- (1) the measure necessary is not in accordance with Finnish law;
- (2) the act is not or an act committed under corresponding circumstances in Finland would not be punishable under Finnish law; or
- (3) there is some other special reason or basis under Article 20 of the Framework Decision for renouncing the exercise of jurisdiction.

Languages (Article 21)

Finland will accept the certificate referred to in Article 6(1) of the Framework Decision or a translation thereof in Finnish, Swedish or English. The authority competent for enforcement may also accept a certificate issued in another language provided there is no other obstacle to its acceptance.

Relationship with other agreements and arrangements (Article 23(4))

The Act on cooperation between Finland and other Nordic States on the enforcement of sentences imposed in criminal matters (326/1963) will continue to apply without prejudice to this Framework Decision (notification as required in Article 23(4) of the Framework Decision has previously been given of this).
