



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 March 2012

7600/12

COPEN 54

COVER NOTE

from:	Mr Jan TOMBIŃSKI, Ambassador, Permanent Representation of the Republic of Poland to the European Union
to:	Mr. Rafael Fernández-Pita y González, Deputy Director-General, Council of the European Union
date of receipt :	6 December 2011
Subject :	Council Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with the view to the supervision of probation measures and alternative sanctions - Notification of the implementation of the Council Framework Decision by Poland

Dear Deputy Director General,

Please find enclosed the notification on implementation of the following Framework Decision:

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,

as well as another relevant documents.

(Complimentary close)

(s.) Jan TOMBIŃSKI

Notification and declaration by the Republic of Poland on 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**

In accordance with Article 3(1) of the Framework Decision, the Republic of Poland hereby gives notification that the authorities competent to act according to the Framework Decision are:

- (a) where the Republic of Poland is the issuing State - district or regional courts;
- (b) where the Republic of Poland is the executing State - regional courts with local jurisdiction for the lawful and ordinary residence of the offender;
- (c) where the Republic of Poland is the executing State in the cases referred to in Article 5(2) of the Framework Decision - the Regional Court with jurisdiction for the Śródmieście district of the capital city Warsaw.

In accordance with Article 5(3) of the Framework Decision, the Republic of Poland hereby declares that its competent authorities may consent to the forwarding of a judgment and, where applicable, a probation decision under Article 5(2) where the authorities of the Republic of Poland deem that this would better serve to achieve the educational or preventive aims of the sanction or measure.

In accordance with Article 10(4) of the Framework Decision, the Republic of Poland hereby declares that it will not apply Article 10(1) of the Framework Decision.

In accordance with Article 14(3) of the Framework Decision, the Republic of Poland hereby declares that as an executing State it will refuse to assume the responsibility provided for in Article 14(1)(b) and (c):

- (a) in cases relating to an alternative sanction, where the judgment does not contain a custodial sentence or measure involving deprivation of liberty to be enforced in case of non-compliance with the obligations or instructions concerned;
- (b) in cases relating to a conditional sentence.

In accordance with Article 21 of the Framework Decision, the Republic of Poland hereby declares that it will accept translations into Polish of the certificate referred to in Article 6(1) of the Framework Decision.
