



**COUNCIL OF
THE EUROPEAN UNION**

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**5325/07
ADD 2**

COPEN 7

ADDENDUM TO INITIATIVE

From : German and French delegations

Dated : 15 January 2007

Subject : Draft Council Framework Decision 200../.../JHA of ... on the recognition and supervision of suspended sentences and alternative sanctions

Delegations will find attached in Annex A and Annex B the draft certificate and form relating to respectively Articles 6 and 15 of the above draft Framework Decision.

CERTIFICATE

pursuant to Article 6 of the Council Framework Decision 200.../.../JHA
of ... on the recognition and supervision of suspended sentences and alternative
sanctions

(a) Sentencing State: Executing State:

(b) Court that handed down the sentence: Official name: Address: File reference: Tel. No.: (country code) (area/city code) Fax No.: (country code) (area/city code) E-mail (if any): Languages that may be used for communicating with the Court: Details of the person(s) to be contacted if additional information is to be obtained concerning the sentence or for agreeing on arrangements for surrender (name, title/grade, tel. no., fax no. and e-mail, if any):

(c) Authority that imposed the suspensory measures:

The authority referred to in point (b).

The following authority:

Official name:

Address:

Tel. No.: (country code) (area/city code)

Fax No.: (country code) (area/city code)

E-mail (if any):

Languages that may be used for communicating with the authority in question:

Details of the person(s) to be contacted if additional information is to be obtained concerning the decision (name, title/rank, tel. no., fax no. and e-mail, if any):

(d) Authority that has competence in the sentencing State for supervising the suspensory measures:

The authority referred to in point (b).

The authority referred to in point (c).

The following authority:

Official name:

Address:

Tel. No.: (country code) (area/city code)

Fax No.: (country code) (area/city code)

E-mail (if any):

Languages that may be used for communicating with the authority in question:

Details of the person(s) to be contacted if additional information is to be obtained for the purposes of supervising the suspensory measures or alternative sanctions (name, title/rank, tel. no., fax no. and e-mail, if any):

(e) Authority or authorities that may be contacted (if points (c) and/or (d) and/or (e) have been completed):

Authority in point (b)

For the following matters:

Authority in point (c)

For the following matters:

Authority in point (d)

For the following matters:

Authority in point (e)

For the following matters:

(f) Information regarding the natural person on whom the sentence has been handed down:

Surname:

Forename(s):

Maiden name, where applicable:

Aliases, where applicable:

Sex:

Nationality:

Identification number or social security number (if any):

Date of birth:

Place of birth:

Last known address:

Language(s) understood (if known):

Type and number of the identity document(s) of the sentenced person (ID card, passport):

Type and number of the residence permit of the sentenced person in the executing State:

(g) Information regarding the Member State to which the sentence and the certificate are being forwarded:

The sentence and the certificate are being forwarded to the executing State indicated in box (a) for the following reason:

The sentenced person has his/her habitual lawful residence in that State.

(h) Sentence

Indications regarding the sentence:

The sentence was handed down on (date: DD-MM-YYYY)

The sentence became final on (date: DD-MM-YYYY)

File reference of the sentence (if available):

1. The sentence covers in total: offences.

Summary presentation of the facts and description of the circumstances in which the offence(s) was (were) committed, including the time and place of the offence, and the degree of participation by the sentenced person:

Nature and legal classification of the offence(s) and applicable statutory provisions on the basis of which the sentence was handed down:

2. If the offence(s) referred to in point 1 correspond(s) to one or more of the following offences, defined in accordance with the law of the sentencing State and punishable in the sentencing State by a custodial sentence or detention order of a maximum of at least 3 years, please tick accordingly:

participation in a criminal organisation

terrorism

trafficking in human beings

sexual exploitation of children and child pornography

illicit trafficking in narcotic drugs and psychotropic substances

illicit trafficking in weapons, munitions and explosives

corruption

fraud, including that affecting the financial interests of the European Communities within the meaning of the Convention of 26 July 1995 on the protection of the European Communities' financial interests

laundering of the proceeds of crime

counterfeiting of currency, including the euro

computer-related crime

environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties

facilitation of unauthorised entry and residence

murder, grievous bodily injury

illicit trade in human organs and tissue

kidnapping, illegal restraint and hostage-taking

racism and xenophobia

organised or armed robbery

illicit trafficking in cultural goods, including antiques and works of art

swindling

racketeering and extortion

counterfeiting and piracy of products

forgery of administrative documents and trafficking therein

forgery of means of payment

illicit trafficking in nuclear or radioactive materials

trafficking in stolen vehicles

rape

arson

crimes within the jurisdiction of the International Criminal Court

unlawful seizure of aircraft/ships

sabotage

3. If the offence(s) referred to in point 1 is (are) not listed in point 2, please give a full description of the offence(s) in question:

(i) Information regarding the judgment:

1. Please indicate whether the sentenced person appeared in person in the proceedings:

Yes, the person appeared.

No, the person did not appear. It is confirmed that the person concerned was informed personally, or via a representative competent according to the national law of the sentencing State, of the time and place of the proceedings which resulted in the judgment being rendered in absentia, or that the person concerned indicated to a competent authority that he or she did not contest the case.

2. Indications regarding sentencing

Determination of the sentence or detention order was conditionally suspended (conditional sentence)

3. Indications regarding the nature of the sentence (only to be completed if no indications were given in 2.):

Alternative sanction

Suspended sentence

Custodial sentence

Detention order

Suspension at the time of sentencing

Suspension after serving part of the custodial sentence (conditional release)

4. Indications regarding the length of the sentence (only to be completed if any indications were given in 3.)

4.1. Total length of the sentence:

4.2. The sentenced person was in pre-trial detention during the following period:

4.3. The person was serving a custodial sentence/detention order during the following period (only in the case of conditional release):

4.4. Length of the sentence still to be served upon revocation of suspension:

(j) Indications regarding the decision on suspension of sentence/sentencing:

1. The decision was handed down on (date: DD-MM-YYYY):
2. Duration of the supervision of suspensory measures:
3. Nature of the suspensory measures or alternative sanctions (multiple descriptions possible):

obligation for the sentenced person to inform the competent authority in the executing State of any change of residence

order not to leave or enter certain localities in the sentencing or executing State without permission

orders relating to life style, residence, education and training, professional activity or leisure activities

obligation to report at specified times to the competent authority in the executing State or to another agency in the executing State

obligation to avoid contact with persons and objects

obligation to compensate for the prejudice caused by the offence

obligation to carry out community service

appointment of a probation officer

obligation to undergo therapeutic treatment or treatment for addiction

other measures that the executing State is prepared to supervise in accordance with a declaration under Article 5(2)

(k) Indications regarding competence for all further measures

Competence for all further measures in connection with the conditional sentence (third indent of Article 2(a)) lies with the sentencing State.

In the event of an adaptation to the suspensory measure or alternative sanction by the competent judicial authority of the executing State, the sentencing State waives the consultations provided for in Article 13(1).

(l) Other circumstances relevant to the case (optional information):

The text of the judgment is attached to the certificate.

Signature of the authority issuing the certificate and/or of its representative to confirm the accuracy of the content of the certificate.

Name:

Function (title/grade):

Date:

(Where appropriate) Official stamp:

FORM

pursuant to Article 15 of Council Framework Decision 2003/57/JHA of ... on the recognition and supervision of suspended sentences and alternative sanctions

**REPORT OF A BREACH OF A SUSPENSORY MEASURE OR ALTERNATIVE SANCTION,
OR OF ANY OTHER RELEVANT FINDINGS**

The competent authority hereby reports that the person referred to in (a) is in breach of the suspensory measures or alternative sanctions listed in (c).

(a) Details of the identity of the person subject to supervision:

Surname:

Forename(s):

Maiden name, where applicable:

Aliases, where applicable:

Sex:

Nationality:

Identification number or social security number (if any):

Date of birth:

Place of birth:

Address:

Language(s) understood (if known):

(b) Details of the decision concerning the suspended sentence or alternative sanction:

Judgment handed down on:

Court which handed down the judgment:

Official name:

Address:

Certificate issued on:

File reference in the sentencing State (if any):

(c) Details of the authority responsible for supervising suspensory measures or alternative sanctions:

Official name of the authority:

Name of the person to be contacted:

Position (title/grade):

Address:

Tel.: (country code) (area code)

Fax: (country code) (area code)

E-mail:

(d) Suspensory measures or alternative sanctions:

The person referred to in (a) is in breach of the following obligations or instructions:

- an obligation for the sentenced person to inform the competent authority in the executing State of any change of residence;
- an order not to leave or enter certain localities in the sentencing or executing State without permission;
- orders relating to lifestyle, residence, education and training, professional activity or leisure activities;
- an obligation to report at specified times to the competent authority in the executing State or to another agency in the executing State;
- an obligation to avoid contact with persons and objects;
- an obligation to compensate for the prejudice caused by the offence;
- an obligation to carry out community service;
- an obligation to undergo therapeutic treatment or treatment for addiction;
- other measures:

Description of the breach(es) (place, date and specific circumstances):

There are other findings which:

- are liable to entail adaptation of suspensory measures or alternative sanctions;
- are relevant to imposition of a sentence in the case of a conditional sentence (third indent of Article 2(a));
- could result in revocation of conditional suspension.

Description of the findings (place, date and specific circumstances):

Signature of the authority issuing the form and/or its representative, to confirm that the contents of the form are correct:

Name:

Position (title/grade):

Date:

Official stamp (where applicable):
