Application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions. Framework Decision. Initiative Germany and France

2007/0807(CNS) - 08/11/2007

The Council reached a general approach on the proposed Framework Decision concerning the recognition and supervision of suspended sentences, alternative sanctions and conditional sentences.

This German and French initiative seeks to establish harmonised rules whereby a Member State, other than the Member State in which the person concerned has been sentenced, supervises probation measures.

Based on the principle of mutual recognition, the draft Framework Decision seeks to facilitate the social re-integration of sentenced persons, improving the protection of victims and of the general public, and fostering the application of suitable probation measures and alternative sanctions in the case of offenders who do not live in the State of conviction.

Portugal, during its Presidency prioritised this initiative. Building on the preparatory work carried out by the German Presidency, the Portuguese Presidency was able to achieve a general approach on the Framework Decision within just 11 months of it being proposed.

Certain Member States, as well as the Commission, regretted that some concessions had to be made, (on, for example, dual criminality). Nevertheless there was general approval that an agreement had been found and overall acknowledgement that the current package constitutes a balanced text.

The Council bodies will be invited to examine and finalise the recitals, as well as the certificate and the form.