**CEP ANNUAL dATA COLLECTION ON**

**FRAMEWORK DECISIONS 2008/947/JHA and 2009/829/JHA**

|  |  |
| --- | --- |
| **Country/Jurisdiction** | **Estonia** |
| Is there a single point of contact in your country? *If yes, fill in Legal Authority below* |  |
| **Legal Authority** | |
| organisation | Ministry of Justice and Digital Affairs |
| address | Suur-Ameerika 1 |
| postal code | 10122 |
| city | Tallinn |
| email | [info@justdigi.ee](mailto:info@justdigi.ee) |
| phone (international) | +372 620 8100 |
| If there is more than 1 single point of contact, is there a body or department that records national data? | *If so, please write the details here.* |
| **Contact Person for further communications (single contact points for Probation Services)** | |
| name | Mariel Männiste |
| organisation | Ministry of Justice and Digital Affairs |
| email | Mariel.Manniste@justdigi.ee |
| phone (international) | +372 514 3171 |

**Explanatory note**

Since the adoption of Framework Decisions 2008/947/JHA and 2009/829/JHA by the European Union, the Confederation of European Probation (CEP) has undertaken a variety of initiatives to support and promote their implementation.

To get a yearly update on each country’s implementation and further process with the Framework Decisions 2008/947/JHA and 2009/829/JHA, CEP kindly ask you to answer this questionnaire. We like you to add the numbers of incoming cases (“caseload”) and actual transfers in 2023 and 2024. If you do not have access to which countries transfers have been made to/from but you do have the numbers, please use the category “unknown”. An incoming case that becomes an actual transfer should be marked in that column.

The results of the answer will be summarized, used to further develop the work of the network and presented on the CEP website to provide an overview of the cases and transfers. CEP hopes that the overview can serve as a sole base for each member country in prioritizing resources for cooperation and in other decisions related to the Framework Decisions.

**THANK YOU VERY MUCH!**

Your responses will be most helpful in developing and strengthening the CEP network working for the implementation of FD 829 and FD 947, developing appropriate information materials and their dissemination and completing preparations for the next Framework Decisions expert meeting.

I agree to have my name and details included in the participant´s list for the events related to the Framework Decisions 829 and 947. Personal information will only be used for the meeting’s purposes and for the creation of a professional network and will not be shared with third parties.

**Yes / No**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **1 a) FRAMEWORK DECISION 2008/947/JHA – 2024** | | | | |
|  | **Caseload** | | **Actual transfers** | |
| **Countries** | incoming | outgoing | incoming | outgoing |
| Austria |  |  |  |  |
| Belgium | 1 |  | 1 |  |
| Bulgaria |  | 1 |  |  |
| Croatia |  |  |  |  |
| Cyprus |  |  |  |  |
| Czech Republic |  |  |  |  |
| Denmark |  |  |  |  |
| Estonia |  |  |  |  |
| Finland | 9 |  | 8 |  |
| France |  |  |  |  |
| Germany |  |  |  |  |
| Greece |  |  |  |  |
| Hungary | 1 |  | 1 |  |
| Ireland |  |  |  |  |
| Italy |  | 1 |  | 1 |
| Latvia | 4 | 7 | 1 | 5 |
| Lithuania | 3 | 2 | 2 | 2 |
| Luxembourg |  |  |  |  |
| Malta |  |  |  |  |
| Netherlands |  |  |  |  |
| Poland |  |  |  |  |
| Portugal |  |  |  |  |
| Romania |  |  |  |  |
| Slovakia |  |  |  |  |
| Slovenia |  |  |  |  |
| Spain |  | 1 |  | 1 |
| Sweden | 3 |  |  |  |
| Unknown |  |  |  |  |
| **Total** | 21 | 12 | 13 | 9 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **1 a) FRAMEWORK DECISION 2008/947/JHA – 2023** | | | | |
|  | **Caseload** | | **Actual transfers** | |
| **Countries** | incoming | outgoing | incoming | outgoing |
| Austria |  |  |  |  |
| Belgium |  |  |  |  |
| Bulgaria |  | 1 |  |  |
| Croatia |  |  |  |  |
| Cyprus |  |  |  |  |
| Czech Republic |  |  |  |  |
| Denmark |  |  |  |  |
| Estonia |  |  |  |  |
| Finland | 8 | 3 | 6 | 1 |
| France |  |  |  |  |
| Germany | 1 |  |  |  |
| Greece |  |  |  |  |
| Hungary |  |  |  |  |
| Ireland |  |  |  |  |
| Italy |  |  |  |  |
| Latvia | 1 | 8 |  | 8 |
| Lithuania |  |  |  |  |
| Luxembourg |  |  |  |  |
| Malta |  |  |  |  |
| Netherlands | 1 |  |  |  |
| Poland |  |  |  |  |
| Portugal |  |  |  |  |
| Romania |  |  |  |  |
| Slovakia |  |  |  |  |
| Slovenia |  |  |  |  |
| Spain |  | 1 |  | 1 |
| Sweden | 1 | 1 |  |  |
| Unknown |  |  |  |  |
| **Total** | 12 | 14 | 6 | 10 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **1b) FRAMEWORK DECISION 2009/829/JHA – 2024** | | | | |
|  | **Caseload** | | **Actual transfers** | |
| **Countries** | incoming | outgoing | incoming | outgoing |
| Austria |  |  |  |  |
| Belgium |  |  |  |  |
| Bulgaria |  |  |  |  |
| Croatia |  |  |  |  |
| Cyprus |  |  |  |  |
| Czech Republic |  |  |  |  |
| Denmark |  |  |  |  |
| Estonia |  |  |  |  |
| Finland |  |  |  |  |
| France |  |  |  |  |
| Germany |  |  |  |  |
| Greece |  |  |  |  |
| Hungary |  |  |  |  |
| Ireland |  |  |  |  |
| Italy |  |  |  |  |
| Latvia |  |  |  |  |
| Lithuania |  |  |  |  |
| Luxembourg |  |  |  |  |
| Malta |  |  |  |  |
| Netherlands |  |  |  |  |
| Poland |  |  |  |  |
| Portugal |  |  |  |  |
| Romania |  |  |  |  |
| Slovakia |  |  |  |  |
| Slovenia |  |  |  |  |
| Spain |  |  |  |  |
| Sweden |  |  |  |  |
| Unknown |  |  |  |  |
| **Total** | 0 | 0 | 0 | 0 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **1b) FRAMEWORK DECISION 2009/829/JHA – 2023** | | | | |
|  | **Caseload** | | **Actual transfers** | |
| **Countries** | incoming | outgoing | incoming | outgoing |
| Austria |  |  |  |  |
| Belgium |  |  |  |  |
| Bulgaria |  |  |  |  |
| Croatia |  |  |  |  |
| Cyprus |  |  |  |  |
| Czech Republic |  |  |  |  |
| Denmark |  |  |  |  |
| Estonia |  |  |  |  |
| Finland |  |  |  |  |
| France |  |  |  |  |
| Germany |  |  |  |  |
| Greece |  |  |  |  |
| Hungary |  |  |  |  |
| Ireland |  |  |  |  |
| Italy |  |  |  |  |
| Latvia |  |  |  |  |
| Lithuania |  |  |  |  |
| Luxembourg |  |  |  |  |
| Malta |  |  |  |  |
| Netherlands |  |  |  |  |
| Poland |  |  |  |  |
| Portugal |  |  |  |  |
| Romania |  |  |  |  |
| Slovakia |  |  |  |  |
| Slovenia |  |  |  |  |
| Spain |  |  |  |  |
| Sweden |  |  |  |  |
| Unknown |  |  |  |  |
| **Total** | 0 | 0 | 0 | 0 |

1. **Is there specific training provided in your jurisdiction to probation staff**:
   1. Framework Decision 947 (on the transfer of Probation and Alternative Sanctions) or
   2. Framework Decision 829 (on the transfer of the European Supervision Order).

If yes, please provide as much detail as possible on the training programme and content, timeframe (initial training or later on), training providers, personnel trained, training materials and any related publication or supporting documentation/links.

*There is no specific training provided in our jurisdiction to probation staff.*

1. **Is there specific information and/or publications distributed and made available to Courts, legal professions and probation staff in your jurisdiction regarding:** 
   1. Framework Decision 947 (on the transfer of Probation and Alternative Sanctions) or
   2. Framework Decision 829 (on the transfer of the European Supervision Order).

If yes, please describe each of them briefly including details of content, distribution, available languages, access points, website links, social media etc.

*There is no specific information and/or publications distributed and made available to Courts, legal professions and probation staff.*

1. **Please describe your experience, to this date, in the implementation of** 
   1. Framework Decision 947 (on the transfer of Probation and Alternative Sanctions) or
   2. Framework Decision 829 (on the transfer of the European Supervision Order).

Please include both the positive (“good practices”) as the negative (“obstacles”). Are there particular issues or processes you would suggest adding, changing or deleting? Please provide as much information as possible.

*Framework Decision 947 is generally working well. Most often problems are related to filling in the certificate. The certificates are sometimes not filled correctly. For example Nature of the probation measures or alternative sanctions are left unmarked in the certificate.*

1. **Have there been any significant Court decisions or judgments in your jurisdiction (which determine practice or decisions in other cases and/or Courts) on any aspect of** 
   1. Framework Decision 947 (on the transfer of Probation and Alternative Sanctions) or
   2. Framework Decision 829 (on the transfer of the European Supervision Order).

If yes, please provide a brief outline of the case(s) and decision(s) with title, reference numbers, web address and any other tracking details in respect of each case and the Framework Decision.

*a. Supreme Court of Estonia requested for preliminary ruling:*

*Is the recognition and supervision of execution of a judgment of a Member State compatible with Council Framework Decision 2008/947/JHA 1 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 even where the sentenced person has by that judgment been conditionally released without any additional obligations being imposed, so that the person’s only obligation is to avoid committing a new intentional offence during the probation period (this being a suspended sentence within the meaning of Paragraph 73 of the Estonian Criminal Code)?*

[*http://curia.europa.eu/juris/document/document.jsf?docid=211523&text=&dir=&doclang=EN&part=1&occ=first&mode=DOC&pageIndex=0&cid=5168039*](http://curia.europa.eu/juris/document/document.jsf?docid=211523&text=&dir=&doclang=EN&part=1&occ=first&mode=DOC&pageIndex=0&cid=5168039)

*In Estonian:* [*https://www.riigikohus.ee/et/lahendid?asjaNr=1-17-4942/16*](https://www.riigikohus.ee/et/lahendid?asjaNr=1-17-4942/16)

*Judgement of the court (First Chamber):* [*https://curia.europa.eu/juris/document/document.jsf?text=&docid=224731&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=2773123*](https://curia.europa.eu/juris/document/document.jsf?text=&docid=224731&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=2773123)

*“Article 1(2) 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, read in conjunction with Article 4(1)(d) thereof, must be interpreted as meaning that recognition of a judgment that has imposed a custodial sentence whose execution is suspended subject to the sole condition that a legal obligation not to commit a new criminal offence during a probation period be complied with falls within the scope of that framework decision, provided that that legal obligation results from that judgment or from a probation decision taken on the basis of that judgment, a matter which is for the referring court to establish.”*

Court order:

*“1. To annul the ruling of Harju County Court of 16 February 2018 and Tallinn Circuit Court of 21 March 2018, which declared the execution of the judgment of the Latgale District Court of the Republic of Latvia of 24 January 2017 admissible in the Republic of Estonia and determined the sentence to be served in Estonia.*

*2. To terminate the proceedings in the case.*

*3. To grant the appeal against the ruling.”*

*In Estonian:* [*https://www.riigikohus.ee/et/lahendid?asjaNr=1-17-4942/31*](https://www.riigikohus.ee/et/lahendid?asjaNr=1-17-4942/31)

1. **Is there particular information, guidance or support you believe that CEP or other bodies, could or should provide in promoting and enabling the best implementation of** 
   1. Framework Decision 947 (on the transfer of Probation and Alternative Sanctions)
   2. Framework Decision 829 (on the transfer of the European Supervision Order)?

*No*

1. **Regarding transfer on FD 947 which alternative sanction is used (transferred) more:** 
   1. Community Measure or
   2. Supervision Order?

If possible, please add an explanation.

*Community Measure - They have been required to perform community service hours.*

1. **Please outline topics, themes or issues you believe should be included in the agenda of the expert meeting.**
2. **Any other comments or suggestions you wish to make?**