

Framework Decisions  
2008/947/JHA and 2009/829/JHA:  
Insights from the Trust and Action project



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# Trust and Action Project

[www.eurehabilitation.unito.it](http://www.eurehabilitation.unito.it)

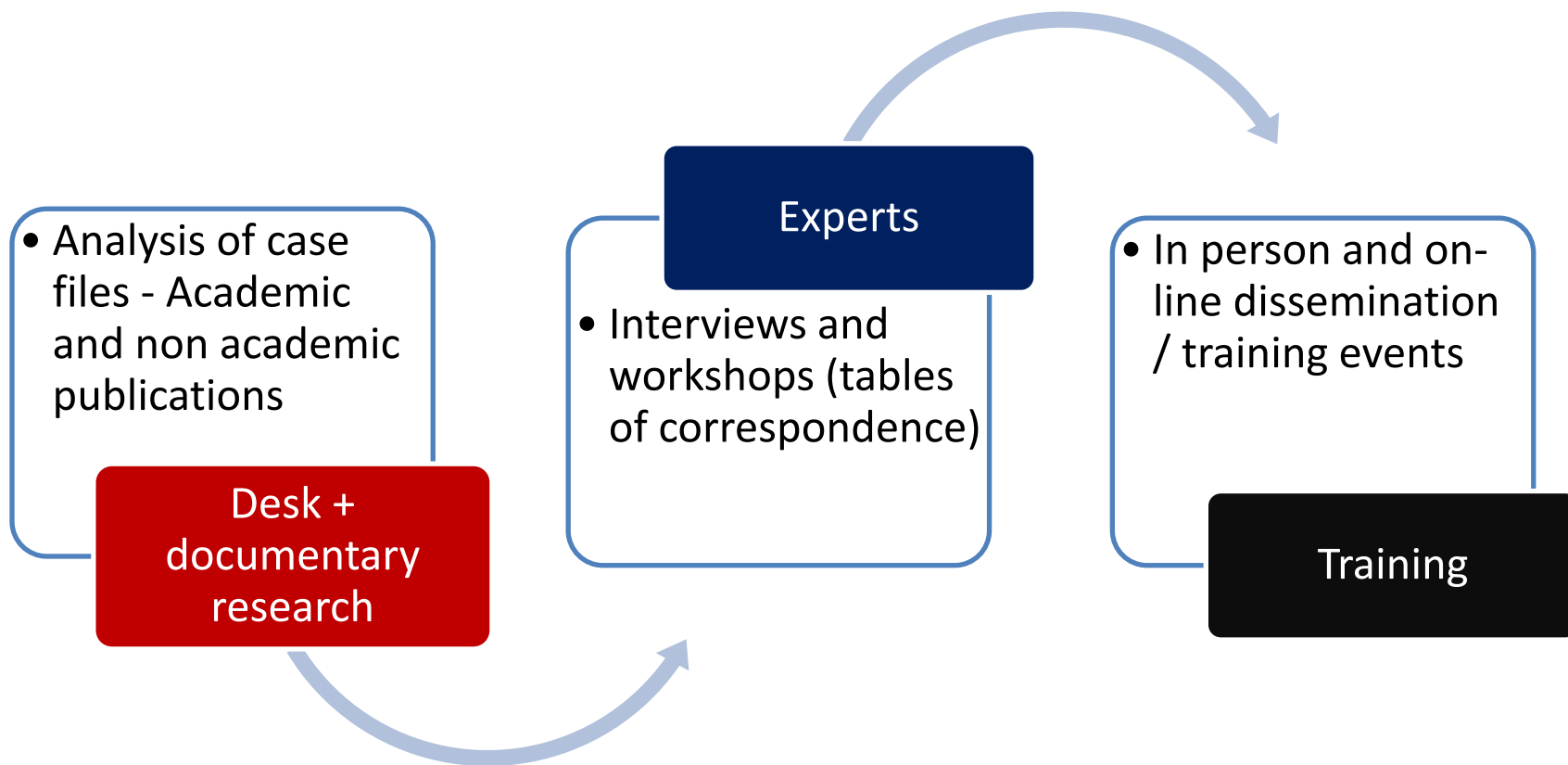


UNIVERSIDADE DA CORUÑA



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# Activities and outputs

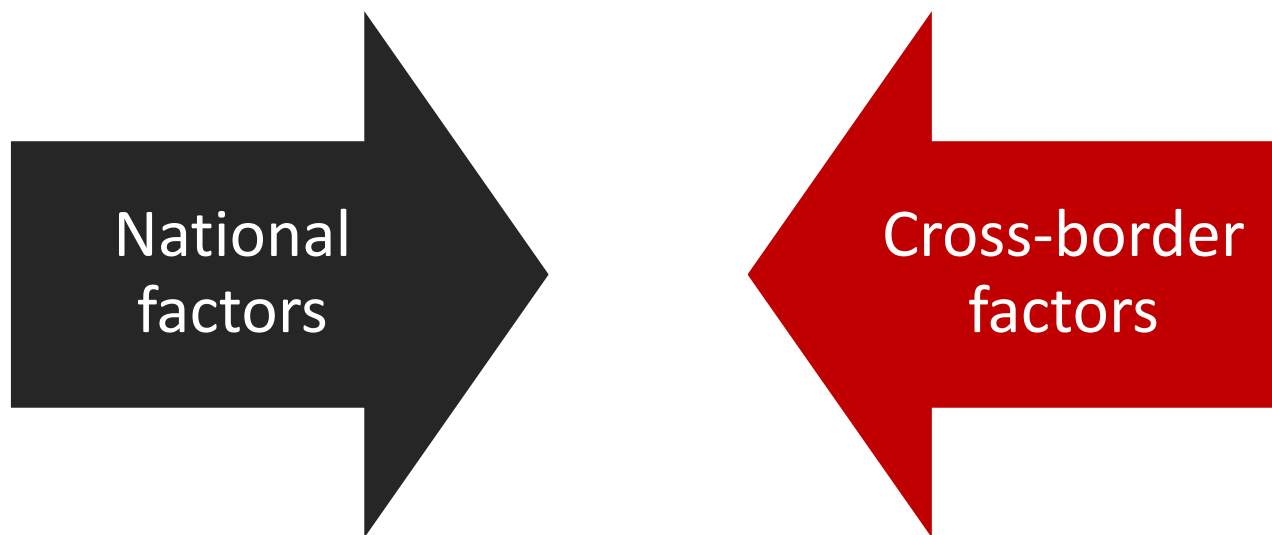


# From “quantity” to “quality”

The degree of application of the FD at issue is generally unsatisfactory, bearing in mind:

-The potentially **wide “audience”**

-The **comparison** with parallel instruments such as EAW and FD 909



# Personal scope of application

## Non residents

- 947: Residence or will to establish habitual residence
- 829: no clear indications

Italy

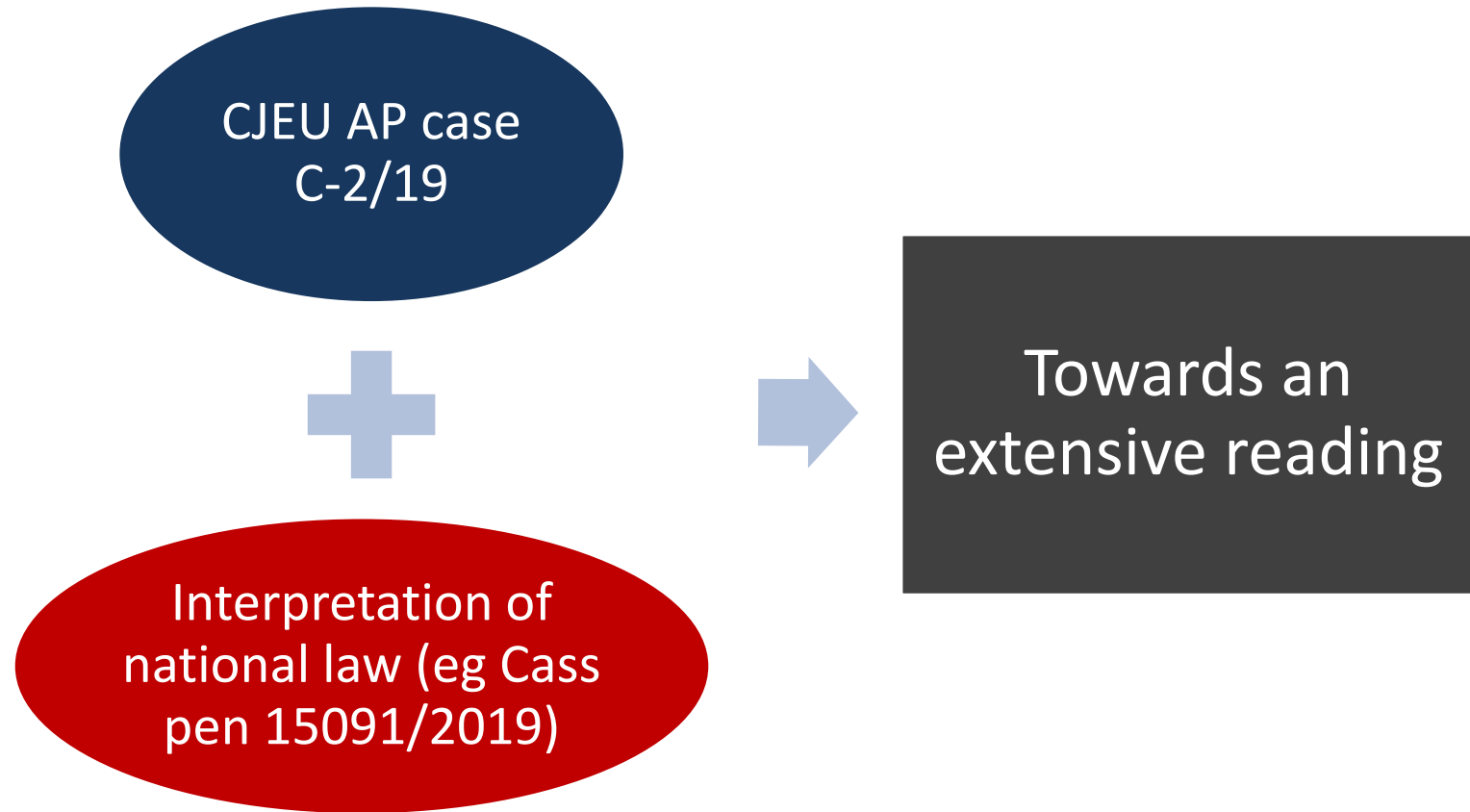
- 947 and 829: National, resident, family member there, demonstr. of future study or professional activity

Romania

Residence or family member residing for at least 5 year + request or work

Spain

# Material scope of application – FD 947



# Proportionality (?) – Below 6 months - 947

Optional ground for refusal according to the FD

Italy: no issuing +  
optional ground to  
refuse execution

Romania: optional  
ground but  
amounts to a de  
facto block

Spain: ground for  
refusal

Eg.: community service?

# Adaptation vs. Fragmentation

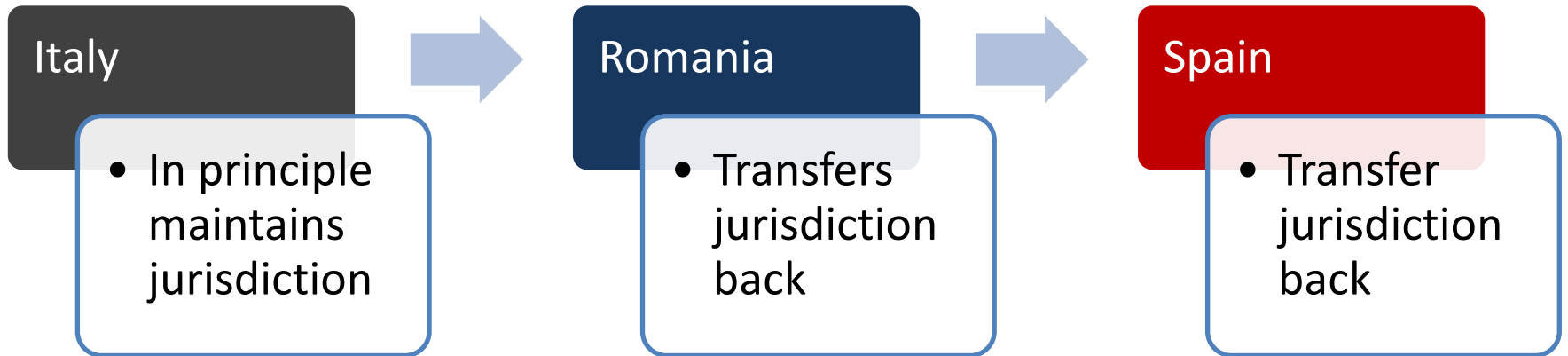
829: obligation not  
to drive a vehicle  
(Italy)

829: prohibition to  
perform certain  
professional  
activities (Italy)

947: certain forms  
of penalty  
postponement  
(Italy and Romania)



# Breach of the obligations - 947



# Some challenges ahead

Paradigm shift

Minimum harmonisation

829 and home detention measures?

Thank you for your attention



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