



Transferring Probation Across the EU

Guideline to Framework
Decision 2008/947/JHA
A guide for Probation Staff



Confederation of European
Probation



Co-funded by
the European Union

About the Framework Decision 947

The Framework Decision (FD) is a form of legislative act from EU within the field of judicial co-operation. The deadline for EU Member States to implement this decision into their national law was December 6, 2011. Currently, all 27 EU Member States have done so. For detailed information regarding the status of implementation please see the website of the [European Judicial Network](#).

Target Group

Persons sentenced to probation, with probation decisions and supervision or other alternative sanction that is permanently residing in another EU Member State. It can also be applicable for the persons that are moving to another country and where the move promotes social rehabilitation.

Understanding the Framework Decision 947: What It Means for You and the Sentenced Person

The FD 947 on Probation and Alternative Sanctions allows a person, who is convicted to a probation measure and sentenced to an alternative sanction in an EU Member State to serve this sentence in another EU Member State where he/she is lawfully and ordinarily resident.

As mentioned [in art. 1 the FD](#) aims at “facilitating the social rehabilitation of sentenced persons, improving the protection of victims and of the general public, and facilitating the application of suitable probation measures and alternative sanctions, in case of offenders who do not live in the State of conviction”.

If the sentenced person is lawfully and ordinarily residing in another EU Member State, inform him/her about the possibility of transferring the probation sentence under the FD. You can then initiate the procedure for an application to transfer the measure.

If the sentenced person wants the probation measure to be transferred to a different EU Member State (not his/her country of residence), he/she can apply to transfer it. The application must be sent to the competent authority

in your country and the transfer can only proceed if the executing (receiving) Member State consents to execute the measure.

Please contact your national competent authority for detailed guidance on how to handle such cases. For information about competent authorities, please consult the website of the [European Judicial Network](#).

Issuing vs Executing State

The **issuing State** is the EU Member State where the original measure was issued. The **executing State** is the EU Member State to which the sentence person wishes the measure to be transferred. The Framework Decision lays down rules according to which EU Member States recognize each other's measures. Applicable probation decisions are imposed by the issuing State. After recognition and transfer of the measure it becomes the measure of the executing State which supervises the measure and, where agreed, takes all decisions in relation to the implementation and enforcement of that measure.

Probation Measures according to the Framework Decision 947

By 'probation measures' the FD understands conditions and obligations imposed by a competent authority on a natural person in the form of a suspended sentence, a conditional sentence or a conditional release. The person is given a certain (probation) period to fulfil these conditions and obligations. If he/she fails to do so the competent authority may revoke the suspended or conditional sentence or conditional release. Across Europe there are several probation measures that are common, and all EU Member States are in principle willing to supervise.

To these obligations and instructions belong in any case the following obligations:

- to inform the relevant authority of any change in residence or working place;
- not to enter certain defined localities or places;
- not to leave the territory of the executing State;
- to follow the instructions issued relating to behavior, residence, education, training, leisure activities, or limitations in on or modalities of carrying out

professional activities;

- to report at specified times to the relevant authority;
- to avoid contact with specific persons and objects;
- to compensate for the harm caused by the offence;
- to carry out community service;
- to cooperate with a probation staff or a relevant representative of a social service;
- to undergo therapeutic treatment or treatment for addiction.

Apart from these conditions and obligations that are explicitly mentioned in [art. 4](#) the EU Member States will supervise standard probation and other measures to the usual standard applicable in their jurisdiction.

Probation Measures and Alternative Sanctions which can be transferred

The Framework Decision is applicable to:

- a) the recognition of judgements and where applicable, probation decisions;
- b) the transfer of responsibility for the supervision of probation measures and alternative sanctions;
- c) all other decisions related to those under a) and b).

A judgment means a final decision or order of the court of the issuing State, establishing that a natural person has committed a criminal offence and imposing: a custodial sentence or measure involving deprivation of liberty, if a conditional release has been granted on the basis of that judgment or by a subsequent probation decision; a suspended sentence; a conditional sentence; an alternative sanction or conditional release.

Competent Authorities designed by the EU Member States

See the website of the [European Judicial Network](#) for info about competent authorities.

Sanctions and Measures not eligible for transfer to another Member State

The Framework Decision 947 cannot be applied to probation measures and alternative sanctions that relate to a decision taken by a non-judicial authority. It only applies to court decisions. The only exceptions to this are probation measures that are imposed involving a conditional release. This means that the FD 947 does not apply to any alternative sanction or probation measure, imposed in the pre-trial stage by the public prosecutor as is possible in many countries, such as Belgium, the Czech Republic, Germany and the Netherlands. It means also that a conditional pardon, notwithstanding the probation measures that can be attached to it, is excluded from the application area of the FD 947.

The FD 947 does not apply to the execution of custodial sentences and measures, involving deprivation of liberty. These are addressed by the [Framework Decision 909](#). Community service imposed as a measure, as a condition of a suspended sentence and a condition of another measure are transferable. Financial penalties and financial payments as a condition of probation measures do not fall in the scope of the FD 947.

Types of offences excluded from the application of the FD 947

The FD 947 can be applied to all offences. The only condition is that the recognition of the judgment and, where applicable, the probation decision and the supervision of probation measures and/or alternative sanctions by the **issuing State** is based on a judgment that relates to acts which also

constitute an offence under the law of the **executing State**, whatever its constituent elements or however it is described. However, this basic principle of double criminality does not apply for all offences.

Is a transfer possible if the nature of the probation measure or alternative sanction or the probation period is not compatible with the law of the Executing State?

EU Member States apply different probation measures and alternative sanctions and also the duration of these measures and sanctions and the length of the probation period differ from EU Member State to EU Member State. This does not mean that when the nature or duration of the measure or sanction or the length of the probation period is not compatible with the law of the **executing State**, the transfer of such probation measure or alternative sanction cannot take place. On the contrary, the FD 947 offers the competent authority of the **executing State** the possibility to adapt the sentence in line with its own national law.

Consent to the transfer

The FD 947 does require that the sentenced person has given his/her consent to the transfer of the judgement or probation measure. No transfer will be carried out when this is against the wishes of the person involved. Without the consent of the convicted person a forced transfer and return to another EU Member State would run contrary to the intention of the Framework Decision, which presumes that the person concerned has been released in the **issuing State** and may return to his/her country of residence to complete the imposed alternative sanction and/or probation measure(s).

Documents accompanying the transfer request

The following documents should accompany the forwarding:

- The certificate – in the standard form (set in [Annex 1 of the FD 947](#)), in original.
- The judgment or the probation decision - in original or in certified copies.

The certificate is in the possession of the competent authority, in most cases the competent authority is the Public Prosecutor's Office or the Court.

The certificate comprises the essential elements of the judgment and, where applicable, of the probation decision. The certificate should assist the competent authorities in the **executing State** in taking decisions under the FD, such as decisions on recognition, supervision or adaptation of probation measures and alternative sanctions, or subsequent decisions in case of non-compliance. The certificate must be written in, or translated into, the official language or one of the official languages of the **executing State**. Each EU Member State may, however, deposit a declaration with the General Secretariat of the Council that it will accept a translation in one or more of the official languages of the institutions of the European Union.

Time limits

As stipulated in article 12 of the FD, the competent authority of the **executing State** shall decide as soon as possible but no later than within 60 days from the receipt of the judgment and the probation decision together with the certificate. It must inform, by any means that leaves a written record, without any delay the competent authority of the **issuing State**. In exceptional cases when the competent authority of the **executing State** cannot comply with this time limit, it shall immediately inform the competent authority of the **issuing State** and:

1. give the reasons of the delay;
2. indicate the estimated time needed for the final decision to be taken.

Costs connected to the transfer and sentence execution

The costs resulting from the application of the FD shall be borne by the executing State except for those costs arising exclusively within the territory of the **issuing State**.

Consequences when the executing State refuses the transfer

When the judgment or the probation decision is not recognized by the **executing State**, the sentenced person will have to comply to the legislation and complete the probation measure in the **issuing State**.

Which law is applicable after the transfer to the executing State?

The supervision and application of the probation measure and alternative sanction is governed by the law of the **executing State**.

The competent authority of the executing State may supervise an obligation to compensate the victim for the prejudice caused by the offence by requiring the sentenced person to provide proof that he/she has complied with this obligation.

When does the responsibility and the jurisdiction of the executing State end?

The responsibility of the executing State is ended:

1. if the sentenced person does not move or cannot be found in the territory of the executing State;

2. if the sentenced person absconds or no longer has a lawful and ordinary residence in the executing State. In this case, the competent authority of the executing State may transfer back the supervision and all the subsequent decisions to the competent authority of the issuing State;
3. if new criminal proceedings are taking place in the issuing State. In this case the competent authority of the executing State may transfer the supervision and all the subsequent decisions back to the competent authority of the issuing State;
4. if the person does not comply with the conditions of the probation measure and full responsibility for the measure has been transferred, the executing State will deal with the non-compliance as it would with any other similar order made in its jurisdiction;
5. when the conditions of the supervised probation measure are completed successfully, or the supervision period expires having been complied with.

Where cases are returned to the **issuing State** under points 1, 2 or 3 above and the competent authority of the **issuing State** resumes jurisdiction it will take into account the duration and the degree of compliance of the person concerned.

Organisations responsible for supervising the transferred probation measure or alternative sanction

The organisations that are under the national law in the **executing State** responsible for supervising probation measures or alternative sanctions will be also responsible for supervising the persons transferred from other jurisdictions. In most EU Member States, Probation Services are responsible for supervising persons who offended in the community. A few exceptions are in Scotland (where social services are responsible for supervision), or in Austria (where the NGO is empowered by the Ministry of Justice to take over this activity).

More information about Probation transfers

Information about the Framework Decision 2008/947/JHA can be found [here](#).

Information about the state of play, declarations and notifications, competent authorities and so on can be found on the website of the [European Judicial Network](#).

To support the implementation of the FD 947, the European Commission has regularly supported projects (both finished and ongoing). Information can be found on the website of the [Confederation of European Probation](#).

Utrecht, September 2025

CEP is the Confederation of European Probation. It aims to promote the social inclusion of offenders through community sanctions and measures such as probation, community service, mediation and conciliation. CEP is committed to enhance the profile of probation and to improve professionalism in this field, on a national and a European level.



Confederation of European
Probation

Confederation of European Probation
P.O. Box 8215 - NL-3503 RE UTRECHT - The Netherlands
Telephone: +31 30 2324900
www.cep-probation.org
secre@cep-probation.org

Find us on social media!



@CEPprobation



@cep_probation



@CEPprobation



@CEP Probation



@CEPprobation