



Confederation of European
Probation

Messages from the 9th Round of Mutual Evaluation and CEP survey results



Co-funded by
the European Union



The **9th Round Evaluation** emphasizes **systemic recommendations** and **institutional coordination**, while the **CEP Survey** focuses more on practitioner-level insights and operational tools.

About the 9th Round of Mutual Evaluation

- The EU Coordinating Committee in the area of police and judicial cooperation in criminal matters ('CATS') decided in November 2018 that the ninth round of mutual evaluations would be devoted to the principle of mutual recognition.
- It was agreed at the CATS meeting on 12 February 2019 that the evaluation would focus on four key mutual recognition instruments
- On 1 March 2023, the General Secretariat of the EU Council tabled the
- Final report on the 9th round of mutual evaluations on Mutual Recognition Legal instruments in the Field of Deprivation or Restriction of Liberty.

<https://data.consilium.europa.eu/doc/document/ST-6741-2023-INIT/en/pdf>

About the 9th Round of Mutual Evaluation

- Framework Decision 2002/584 on the European Arrest Warrant (FD EAW);
- Framework Decision 2008/909 on mutual recognition of judgments imposing custodial sentences;
- Framework Decision 2008/947 on the mutual recognition of probation measures and alternative sanctions;
- Framework Decision 2009/829 on mutual recognition to decisions on supervision measures as an alternative to provisional detention ("European Supervision Order").

About the 9th Round of Mutual Evaluation

Final Report on 9th Round of Mutual Evaluations March 2023

- The round was dedicated to legal instruments of mutual recognition in the field of deprivation or restriction of liberty.
- Evaluators looked into the legislation and practice of the EU Member States regarding the four instruments
- The report includes recommendations to the Member States and EU institutions/agencies in order to further enhance application of the instruments under evaluation.

<https://data.consilium.europa.eu/doc/document/ST-6741-2023-INIT/en/pdf>

About the CEP Survey

Covering only FD 947 and 829 among CEP members!

First in 2018 covering 2017 and 2018

About the CEP Survey

The questionnaire has covered:

- ✓ Contact Person for further communications (single contact points for Probation Services)
- ✓ Annual statistics by probation services for 2023 and 2024
- ✓ Specific training
- ✓ Specific information and/or publications distributed and made available to Courts, legal professions and probation staff
- ✓ Practical experience in implementation
- ✓ Significant Court decisions or judgments
- ✓ Particular information, guidance or support in promoting and enabling best implementation
- ✓ Usage of FD 947 – sentence
- ✓ Topics, themes or issues to be included in the agenda
- ✓ Other suggestions

About the CEP Survey

Data for both **2023** and **2024** – **not yet complete**
Sent to all members of CEP with the deadline of July 2025

21 answers (both countries and jurisdictions)

11 Missing: Austria, Belgium (Wallonia), Croatia, Cyprus, Czech Republic, Greece, Hungary, France Italy, Lithuania, Luxembourg, Malta, Portugal, Slovakia, Slovenia

---> to be followed upon the FD Workshop

Experience in Implementation: Comparison with the 9th Round of Mutual evaluation

Shared Challenges:

- ✓ **Limited Use & Experience:** Many jurisdictions report few or no cases under FD 947 and FD 829, leading to minimal practical experience.
- ✓ **Knowledge Gaps:** Probation staff and judicial actors often lack familiarity with procedures and legal frameworks.
- ✓ **Unclear Procedures:** Confusion around roles, responsibilities, and steps in the transfer process.
- ✓ **Bureaucracy & Delays:** Lengthy paperwork, procedural delays, and lack of consequences for non-compliance.
- ✓ **Communication Barriers:** Difficulty identifying contact points, language issues, and inconsistent inter-agency communication.
- ✓ **Client-Related Issues:** Challenges locating sentenced persons, lack of cooperation, and suitability of measures.

Experience in implementation -

Uncertainty / Lack of Unified Practice

"No unified practice within organisation"

"Uncertainty regarding the procedure and the different roles (of probation services), organisation of the sentence"

Knowledge Gaps

"Lack of knowledge among CJ professionals and frontline probation practitioners — no role in the context of day-to-day work of probation service"

"No cases = no experience"

Procedural Delays

"Time limits → procedural delays or no response"

"High level of bureaucracy"

Communication & Contact Issues

"Unclear which agency has a user access to EJN to find a contact point"

"Transmission of the documents to the different foreign authority"

Experience in implementation -

Client-Related Challenges

"The sentenced person is difficult to locate and their place of residence is uncertain"

"Lack of willingness to cooperate on the part of clients"

Others

"Lack of creativity and very uniform approach"

"Cross-border cases → Telephone or email supervision instead of transfers"

"CS easier X supervision more complex"

"Language barriers"

"The costs involved within the procedure"

"Transfer of cases where clinical forensic care is indicated"

Experience in implementation +

- ✓ Ireland – Already translated documents, Fast communication (quick responses on queries) via email from certain countries, Letter received prior to the application seeking to identify the competent authority. Especially useful when the application is for CFD's outside of the remit of Probation Services.
- ✓ Latvia – more than half of the cases successfully implemented
- ✓ Netherlands - a single information point at the probation service and at the public prosecution.
- ✓ Romania - Optimal collaboration with the judicial courts, the guidance offered by the National Probation Directorate, debates with judicial clerks and magistrates regarding the procedure, the existence of a standardized version of the official record used to inform the convict that the probation procedure can be initiated, issued by the National Probation Directorate.
- ✓ Sweden - The SPPS, in connection with a so-called pre-sentencing report during the pre-trial process, should state whether a possible non-custodial sentence can be transferred in accordance with the Framework Decision 947 --- > more suspects can be eligible for a non-custodial sentence when they would otherwise most likely have been sentenced to prison (as a non-custodial sentence is often not considered suitable if the suspect is not resident in Sweden, because the sentence may not be able to enforce).
- ✓ Sweden - The Framework Decision 829 is fully implemented in Sweden with a well-functioning legal and institutional framework X The Swedish prosecution authorities have limited data which makes it difficult to give a general reply concerning the use. X The practice in Sweden seems to be less useful probably due to difficulties in identifying cases where it would be effective and appropriate. It would work better for minor cases, where pre-trial investigation is completed rather quickly in Sweden and therefore there is no need to use it.

9th Round Mutual Evaluation Recommendations

- ✓ Member States are encouraged to provide **regular and systematic specialist training** on Framework Decisions, **2008/947/JHA** and **2009/829/JHA** and related case-law of the CJEU to all practitioners involved in their application, including joint training for judges, prosecutors and, if possible, lawyers and other relevant staff.
- ✓ Member States are encouraged to **promote participation of practitioners in training activities at an EU level** to increase knowledge and share experience.
- ✓ Member States are encouraged to ensure an **adequate level of specialisation of practitioners** dealing with all the EU mutual recognition instruments involving deprivation or limitation on liberty covered by the ninth round of mutual evaluations

9th Round Mutual Evaluation Recommendations

- ✓ The European Commission, where appropriate in cooperation with the EJM and Eurojust, is encouraged to consider providing practitioners with **EU handbooks containing practical guidance** on the application of Framework Decisions 2008/947/JHA and 2009/829/JHA.
- ✓ With a view to facilitating the application of Framework Decisions 2008/947/JHA and 2009/829/JHA, the **EJM**, in cooperation with the Member States, **is encouraged to include relevant information on all national systems** and the non-custodial measures they provide for, as well as up-to-date information on all Member States' authorities (points of contact) competent to apply these Framework Decisions, on the EJM website

9th Round Mutual Evaluation Recommendations

- ✓ Member States are encouraged **to raise awareness and promote the use of Eurojust and the EJN and the tools they offer**, taking into account the added value they can provide in overcoming difficulties in the application of EU mutual recognition instruments and, more generally, improving the effectiveness of judicial cooperation with other EU Member States.
- ✓ Member States should establish an efficient and reliable system for the **collection of statistics** on the use of Framework Decisions 2002/584/JHA, 2008/909/JHA, **2008/947/JHA** and **2009/829/JHA**, in order to facilitate analysis of their application and adapt policies and working methods accordingly.

Suggestions for CEP: Coordination & Contact Infrastructure

- ✓ Direct contact points among probation organisations
- ✓ Central platform or exchange platform for practitioners, where questions can be asked, experiences shared, and contacts (easily) established
- ✓ A single EU database or system to check the status of a ruling and identify competent authorities
- ✓ A centralized database to contain information on international transfers and probation systems

Suggestions for CEP: Knowledge Resources & Practical Tools

- ✓ A handbook with practical examples from other EU countries, including the interface between judiciary and social work
- ✓ Description of alternative sanctions and probation measures existing in each EU country
- ✓ Overview of measures and strategies for initiating and managing cases under Framework Decision 947:
 - ❖ Guidelines and best practices
 - ❖ Training programs and modules
 - ❖ Institutional arrangements and technological solutions
 - ❖ Step-by-step explanations from the probation services' perspective
 - ❖ Checklists for information exchange with judicial authorities
 - ❖ Frequently asked questions
 - ❖ Case studies
 - ❖ Databases of past transfers

Suggestions for CEP: Legal and Procedural Framework

- ✓ Collection of challenges faced by countries in initiating cases under FD 947 (legal, procedural, practical obstacles)
 - ✓ Possible EU Court practice related to FD 947 and FD 829
- ✓ Standard practices in executing States (e.g. legal team review before accepting and processing applications)
- ✓ The judge should inform the convicted person of the possibility of transfer before referring the case to probation services
 - ✓ Implementing a strict set of deadlines for each step of the procedure
 - ✓ Increased digitalization of the procedure
- ✓ Specific solutions for shortening the length of the procedure or implementing a simplified version
 - ✓ Discussing the practice of remote supervision after transfer of enforcement
- ✓ Debating and clarifying terminology used by Member States regarding probation measures and obligations
 - ✓ Discussing the role of procedure recipients in transfers
- ✓ Exploring possibilities and limitations of adapting measures and obligations across jurisdictions

Suggestions for CEP: Others

Networking & Stakeholder Engagement

- ✓ Inviting representatives of public prosecutors' offices to CEP meetings
- ✓ Maintaining foreign networks through exchange of experience and best practices

Communication & Support Tools

- ✓ Language support and translation tools

Monitoring & Feedback Mechanisms

- ✓ Evaluation and feedback: structured opportunity for practitioners to provide suggestions or report obstacles to CEP

X

Statistics?

Not mentioned



CEP Survey

Statistics, training and publications

Transfers – FD 947

	<u>2024</u>	<u>2023</u>
• FD 947 Total caseload incoming cases	137	114
• FD 947 Total caseload outgoing cases	271	241
• FD 947 Total transfers incoming cases	72	55
• FD 947 Total transfers outgoing cases	128	92

Data provided by CEP members (probation organisations or MoJs)

2024

FD 947
transfers -
incoming and
outgoing cases

in bold – countries providing
the answers to 9.9.2025

Incoming (down) Outgoing (to the right)	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
Austria																							1						
Belgium								1															1				30	32 Both CS and SO	
Bulgaria																						10						unknown	
Croatia																													
Cyprus																													
Czech Republic																													
Denmark																							1					0	
Estonia															1	5	2									1		9 CS	
Finland							8																						
France																							1		2				
Germany		1	1																				2		1	1		3	
Greece																													
Hungary								1															2						
Ireland																												CS	
Italy														1									1		2				
Latvia								1																0				6 SO	
Lithuania							2																						
Luxembourg																													
Malta																													
Netherlands																							2		1				
Poland																								1					
Portugal																													
Romania	1		1										2		3	2					1	1	1			1		13 SO	
Slovakia																													
Slovenia																													
Spain																													
Sweden																													
Unknown		10							5																		6	6	
Total		10					0	13	5					1								24		6	38				
		CS						CS	CS				SO		SO							SO							

2023

FD 947 transfers - incoming and outgoing cases

in bold – countries
providing the answers to
9.9.2025

Incoming (down) Outgoing (to the right)	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
Austria																							1						
Belgium (except for France)	0									0						0							2					32	32
Bulgaria																							6					unknown	
Croatia																													
Cyprus																													
Czech Republic																							1						
Denmark																													
Estonia									6																			6 CS	
Finland								1																					
France																										7			
Germany	1		1	0												1	1				5	0		3				8	
Greece																													
Hungary																													
Ireland																													
Italy																								1		3			
Latvia								8																				10	
Lithuania																													
Luxembourg																													
Malta																													
Netherlands																													
Poland																													
Portugal																													
Romania																													
Slovakia																													
Slovenia																													
Spain																													
Sweden																													
Unknown		21								5																	6	6	
Total								10	5							7						16		12	38				

Information on FD 829

- Troubles filling in the numbers.
- Less experience and less used in general.
 - ✓ Belgium (Flanders) – draft circular never implemented
 - ✓ Germany (BW) – 1 incoming case in 2023
 - ✓ Latvia – 1 incoming case, 8 transfers in 2023

Training for probation staff

Yes

- Denmark - handling of FD 947 responsibility of legal officers within The Danish Department of Prisons and Probation, specific training provided
- Latvia – a seminar titled “Implementation of the Supervision Function” within a training course including practical guidance
- Romania – guidance within the initial training, a few participated in trainings of other agencies in 2015, a few participated in the seminar in 2022 within the ERA project, involvement in ISTEP and PONT project
- Netherlands - in person introduction from the International Desk

No

- Belgium (Flanders)
- **Belgium (German speaking), however, training via EMRPO in the future**
- Estonia
- Finland
- Germany (LS, Mecklenburg)
- Ireland
- Spain (Catalonia)
- **Sweden (FD handled by legal department at the head office of the SPPS)**

Information and/or publications distributed

- ✓ Belgium (Flanders) – web for probation staff dedicated to the FD 947 including materials from projects.
- ✓ Finland – internal guidance for probation staff (947) and internal guidance for prosecutors (829)
- ✓ Germany - a collection of materials (flyers, articles) + referring to ERA a guide to a training package on the topic of "Better application of European criminal law – National seminar on legal issues for court officials" + "Detention, Alternatives, Mutual Trust and Mutual Legal Assistance,, project website + referring to EJM website
- ✓ Ireland – internal guidelines
- ✓ Romania – no internal but all other publications including within the projects have been analysed and discussed, information at CEP, ERA etc, PONT e-manual, EJM's Judicial Library, Guidelines & Training Materials (Twinning Programs), printed guidelines within the project led in 2011-2013
- ✓ Sweden – an internal handbook on International Co-operation in Criminal Matters, which includes information on transfer of probation and alternative sanctions with the aim of improving knowledge amongst probation staff + The Swedish Prosecution Authority has on its internal website a guide and a powerpoint presentation inc. practical information concerning the Framework Decision 829.
- ✓ Netherlands – information provided including the formats for colleagues who write reports for the court with information about the transfer

A stylized, light orange map of Europe serves as the background for the slide. The map shows the outlines of the European continent, including major landmasses like Scandinavia, the British Isles, and the Mediterranean region, with thin white lines indicating national borders.

Resources

Projects, experience, CEP

FD 947/2008 and FD 829/2009 - Resources

The **PONT project** funded by the European Commission's Justice Programme has a range of free online training courses on the application of Framework Decisions 2008/947/JHA and 2009/829/JHA, the completion of required documentation and the management of adaptation and of transfer processes.
<https://www.cep-probation.org/wp-content/uploads/2020/11/PONT-The-e-manual-for-the-implementation-of-FDs-947-and-829.pdf>

J-CAP Project 2022-24 has developed a broad awareness-raising intervention while providing practical informative materials for judges, prosecutors, lawyers and probation professionals <https://www.jcap-probation.eu/jcaphome.html>

J-CAP Guidance Booklet

https://www.uibk.ac.at/media/filer_public/b3/8c/b38c9e3c-cf7a-44e1-b38e-7b31bce63d90/j-cap-guidance-booklet.pdf

FD 947/2008 and FD 829/2009 - Resources

- **Euro-Lex** – Access to European Union Law <https://eur-lex.europa.eu/>
- **European Judicial Network (EJN)** - The network of contact points for the facilitation of the cooperation and for the establishment of direct contacts between the judicial authorities in the EU Member States. <https://www.ejn-crimjust.europa.eu/>
- **Eurojust**- European Union Agency for Criminal Justice Cooperation. <https://www.eurojust.europa.eu/>
- National single point of contact offices such as the Probation Service International Desk (FD 947) : internationaldesk@probation.ie

Netherlands International Desk <https://www.cep-probation.org/the-international-desk-of-the-dutch-probation-service-what-we-do-and-how-we-work/#:~:text=The%20International%20Desk%20was%20founded,measures%20within%20the%20European%20Union.>

FD 947/2008 and FD 829/2009 - Resources

EMPRO project (2025) aims to significantly strengthen the understanding and application of FD 2008/947 and 2009/829 within the European Union. It is further aligned with the overarching goals of the EU Charter of Fundamental Rights, contributing to a more humane and effective rehabilitation process. This encompasses highlighting the specific needs and rights of foreign nationals involved in pre-trial and post-trial phases, ensuring that justice and rehabilitation practices are equitable, effective, and respectful of fundamental rights.

<https://www.cep-probation.org/projects/empro-project/>

ERA project (Detention, Alternatives, Mutual Trust and Mutual Legal Assistance) offers a comprehensive overview of EU instruments of mutual legal assistance and mutual legal recognition in the field of deprivation or restriction of liberty, placing them within the wider context of the applicable Council of Europe recommendations and the relevant ECtHR and CJEU judgments, with the aim of facilitating better cross-border cooperation among Member States and raising awareness of alternatives to detention.

<https://www.cep-probation.org/projects/era-project/>

FD 947/2008 and FD 829/2009 - Resources

EuroProspects Project (2025-27) “Ensuring Probationers’ Rehabilitation Prospects via targeted enhancement of the implementation of FD 2008/947” aims to promote a more frequent and consolidated use of this FD, focusing on the mutual recognition and supervision of probation decisions and alternative sanctions in the EU. <https://www.europrospectsproject.eu/>

- The **METIS project** *European Guide on Mutual Recognition of Judgements* focused on execution of FD947 and two other FDs in another MS. <https://www.cep-probation.org/wp-content/uploads/2020/11/PONT-The-e-manual-for-the-implementation-of-FDs-947-and-829.pdf>

- **Detour Project Report** (2017) Towards Pre-Trial Detention as Ultima Ratio
https://www.tara.tcd.ie/bitstream/handle/2262/85068/Comparative%20report_master%20fin.pdf?sequence=1%20&isAllowed

FD 947/2008 and FD 829/2009 - Resources

Faraldo-Cabana, P (2021) *Two worlds colliding: Offenders' rehabilitation and victims' protection through mutual recognition of probation measures* European Journal of Probation Vol. 13(2) 145 – 160

Fernandez-Bessa, C. and Ferraris, V. (2021). *How EU Member States Deal with Cross-Border Transfers of Detainees and Probationers?* Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2021/01/how-eu-member>

Martufi, A. and van Noorloos, M (2024) *Transfer of probationers under EU law: Rehabilitation and the question of legitimacy in the Netherlands* European Journal of Probation Vol. 16(1) 3–25

Montero Perez de Tudela, E. (2024) *Underuse of Framework Decision 2008/947/JHA in the Spanish legal system: The case of conditional release. A forthcoming change in trend!* European Journal of Probation Vol. 16(1) 26–52

CEP and FD 947/2008 and FD 829/2009

CEP has taken a lead role in the promotion, information dissemination and skills development of FD 947 with online materials, training events and an annual network meeting.

<https://www.cep-probation.org/topics/framework-decisions/>

Online sources

- CEP Webinar *Transferring Probation Supervision* <https://www.youtube.com/watch?v=p37od1kr2Pk>
- CEP *Transfer your Probation Sentence*

https://www.youtube.com/watch?v=UA_IS98Ys0Q&list=PL5gFkEtDMSdfQWb14lOiAsHLYsKHUVu5C

New website

[Events](#)[Expert groups & Networks](#)[Members & Partners](#)[Topics](#)[News & Publications](#)[🇬🇧 EN ^](#)

Priority Topics

Framework Decisions

The European Union and the Council of Europe have become increasingly important players in the development of probation in Europe. CEP is not only the voice of probation in Europe, it also wants to stimulate and support initiatives of international cooperation on probation and on the implementation of EU regulations. Below you will find all the information about the implementation of Framework Decisions 2009/829/JHA and 2008/947/JHA.

[Documents](#)[Projects](#)[Related events](#)

Flyer for clients

Transferring Probation Across the EU

A Guide for Persons Under Probation Supervision

Transfer your probation to your home EU Member State.

If you are sentenced to probation or another community sanction, while you are staying in another European country, it is possible to apply to have your sentence transferred to your home country. However, this is only possible if your home country is an EU Member State.

Your probation officer can guide you through the application process and help you take the next steps.

For more information about the EU regulations on transferring probation and community sanctions, visit the Confederation of European Probation website: www.cep-probation.org



Guide for probation staff

Transferring Probation Across the EU

Guideline to Frameworks
Decision 2008/947/JHA



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



Confederation of European
Probation

Thank you



Co-funded by
the European Union