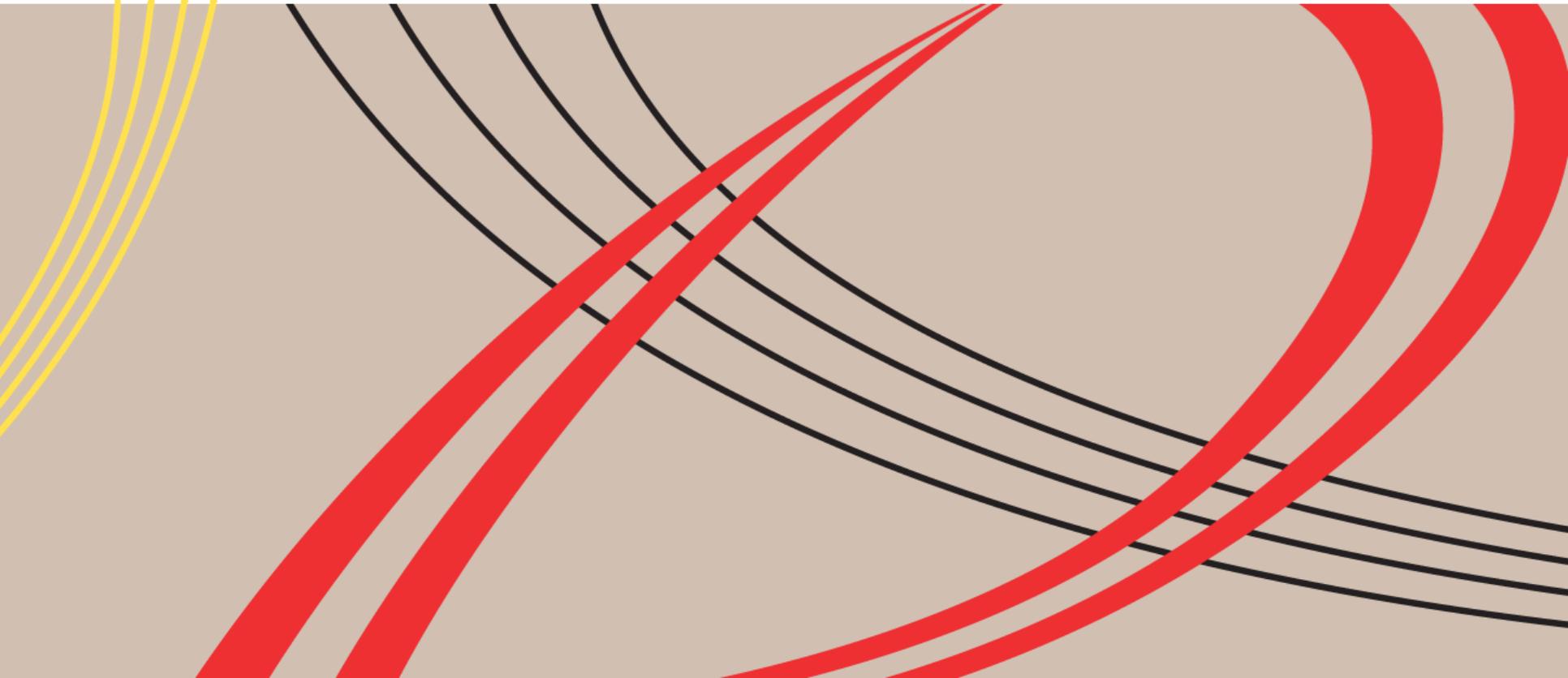


Workshop IV – Practical Implementation

Marie Lieberherr



1. State of play of the implementation

- Legislative procedure (FR, Scotland)
- Consultation under process (IE, BG, RO, HU, BE, FI)
- Specific situations:
 - Impact of the implementation process: legislative reform of the Criminal Code in RO and ES
 - Theoretical concern (FI)
 - Particular situation of RO

2. Offender Process

2.1 Pre-sentence

2.2 Implementation in issuing/sentencing State

2.3 Implementation in executing State



2.1 Pre-sentence

- Information
 - for the Police and judicial authorities
 - for the suspected person

- Information
 - At a general level: a better understanding of the Framework Decision and of the national system of the executing State
 - At an individual level: situation of the suspected person (previous sentences, residence, ...)

2. 1 Pre-sentence

- Means to collect information
 - International desk
 - National fact sheets
 - CEP
 - Particularly for serious offences, the transfer of information should be guaranteed (other EU instruments)
 - Contacts with embassies and consulates
 - Contacts with State of nationality

2.1 Pre-sentence

- Means to share and communicate information
 - Trainings (lawyers, judges, prosecutors, probation services)
 - Social report
 - Automaticity?(equity, seriousness, means)
 - Adequate time for this assessment ?

2.2 Implementation in sentencing State

- Interpretation
- Consent
- Opportunity of a basic assessment at this stage of the procedure?
- Time between the decision and the effective transfer of the measure

2.3 Implementation in executing State

- Need to have a contact point
 - That can be easily identified
 - Well informed
- Availability of the measures
 - The example of electronic monitoring
- Successive movements of the offender

Conclusion

