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Provisional text

JUDGMENT OF THE COURT (Fourth Chamber)

5 October 2023 (*)

(Reference for a preliminary ruling – Area of freedom, security and justice – Judicial cooperation in criminal matters – Framework Decision 2008/675/JHA – Taking account of convictions in the Member States in the course of new criminal proceedings – Article 1(1) – Scope – Article 3(1), (3) and (4) – Obligation to recognise the effects of previous convictions handed down in other Member States as equivalent to those attached to national convictions – Conditions – Imposition of a custodial sentence accompanied by a probationary suspension – New offence committed during the period of suspension – Revocation of suspension and effective execution of the custodial sentence – Interference with the previous conviction and any decision relating to its execution – Framework Decision 2008/947/JHA – Article 14(1) – Recognition of convictions with a view to the supervision of probation measures and the possible revocation of the suspension of execution)

In Case C-219/22,

REQUEST for a preliminary ruling under Article 267 TFEU from the Rayonen sad Nesebar (District Court, Nesebar, Bulgaria), made by decision of 25 March 2022, received at the Court on 28 March 2022, in the criminal proceedings against

QS,

other party:

Rayonna prokuratura Burgas,

THE COURT (Fourth Chamber),

composed of C. Lycourgos, President of the Chamber, L.S. Rossi (Rapporteur), J.-C. Bonichot, S. Rodin and O. Spineanu-Matei, Judges,

Advocate General: P. Pikamäe,

Registrar: A. Calot Escobar,

having regard to the written procedure,

after considering the observations submitted on behalf of:

- QS, by G. Koleva, advokat,
- the European Commission, by S. Grünheid and I. Zaloguin, acting as Agents,

after hearing the Opinion of the Advocate General at the sitting on 20 April 2023,

gives the following

Judgment

1 This request for a preliminary ruling concerns the interpretation of Article 3(3) of Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings (OJ 2008 L 220, p. 32).

2 The request has been made in proceedings seeking the effective execution, in one Member State, of a final conviction to a custodial sentence accompanied by a probationary suspension imposed on a national of another Member State by a court of that other Member State.

Legal context

European Union law

Framework Decision 2008/675

3 Recitals 2, 5 to 7 and 14 of Framework Decision 2008/675 state:

‘(2) On 29 November 2000 the Council, in accordance with the conclusions of the Tampere European Council, the Council [of the European Union] adopted the programme of measures to implement the principle of mutual recognition of decisions in criminal matters, which provides for the “adoption of one or more instruments establishing the principle that a court in one Member State must be able to take account of final criminal judgments rendered by the courts in other Member States for the purposes of assessing the offender’s criminal record and establishing whether he has reoffended, and in order to determine the type of sentence applicable and the arrangements for enforcing it”.

...

(5) The principle that the Member States should attach to a conviction handed down in other Member States effects equivalent to those attached to a conviction handed down by their own courts in accordance with national law should be affirmed, whether those effects be regarded by national law as matters of fact or of procedural or substantive law. However, this Framework Decision does not seek to harmonise the consequences attached by the different national legislations to the existence of previous convictions, and the obligation to take into account previous convictions

handed down in other Member States exists only to the extent that previous national convictions are taken into account under national law.

(6) In contrast to other instruments, this Framework Decision does not aim at the execution in one Member State of judicial decisions taken in other Member States, but rather aims at enabling consequences to be attached to a previous conviction handed down in one Member State in the course of new criminal proceedings in another Member State to the extent that such consequences are attached to previous national convictions under the law of that other Member State.

...

(7) The effects of a conviction handed down in another Member State should be equivalent to the effects of a national decision at the pre-trial stage of criminal proceedings, at the trial stage and at the time of execution of the sentence.

...

(14) Interference with a judgment or its execution covers, inter alia, situations where, according to the national law of the second Member State, the sanction imposed in a previous judgment is to be absorbed by or included in another sanction, which is then to be effectively executed, to the extent that the first sentence has not already been executed or its execution has not been transferred to the second Member State.'

4 Article 1 of that framework decision, entitled 'Subject matter', provides, in paragraph 1 thereof:

'The purpose of this Framework Decision is to determine the conditions under which, in the course of criminal proceedings in a Member State against a person, previous convictions handed down against the same person for different facts in other Member States are taken into account.'

5 Under Article 2 of that framework decision, entitled 'Definitions':

'For the purposes of this Framework Decision "conviction" means any final decision of a criminal court establishing guilt of a criminal offence.'

6 Article 3 of that framework decision, entitled 'Taking into account, in the course of new criminal proceedings, a conviction handed down in another Member State', provides, in paragraphs 1 to 4 thereof:

1. Each Member State shall ensure that in the course of criminal proceedings against a person, previous convictions handed down against the same person for different facts in other Member States, in respect of which information has been obtained under applicable instruments on mutual legal assistance or on the exchange of information extracted from criminal records, are taken into account to the extent previous national convictions are taken into account, and that equivalent legal effects are attached to them as to previous national convictions, in accordance with national law.

2. Paragraph 1 shall apply at the pre-trial stage, at the trial stage itself and at the time of execution of the conviction, in particular with regard to the applicable rules of procedure, including those relating to provisional detention, the definition of the offence, the type and level of the sentence, and the rules governing the execution of the decision.

3. The taking into account of previous convictions handed down in other Member States, as provided for in paragraph 1, shall not have the effect of interfering with, revoking or reviewing previous convictions or any decision relating to their execution by the Member State conducting the new proceedings.

4. In accordance with paragraph 3, paragraph 1 shall not apply to the extent that, had the previous conviction been a national conviction of the Member State conducting the new proceedings, the taking into account of the previous conviction would, according to the national law of that Member State, have had the effect of interfering with, revoking or reviewing the previous conviction or any decision relating to its execution.’

Framework Decision 2008/947/JHA

7 Article 1(1) and (3) 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 (OJ 2008 L 337, p. 102), provides:

‘1. This Framework Decision 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. With a view to achieving these objectives, this Framework Decision lays down rules according to which a Member State, other than the Member State in which the person concerned has been sentenced, recognises judgments and, where applicable, probation decisions and supervises probation measures imposed on the basis of a judgment, or alternative sanctions contained in such a judgment, and takes all other decisions relating to that judgment, unless otherwise provided for in this Framework Decision.

...

3. This Framework Decision shall not apply to:

(a) the enforcement of judgments in criminal matters imposing a custodial sentence or measure involving deprivation of liberty which falls within the scope of [Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (OJ 2008 L 327, p. 27)];

...’

8 Article 14(1) of Framework Decision 2008/947 provides:

‘The competent authority of the executing State shall have jurisdiction to take all subsequent decisions relating to a suspended sentence, conditional release, conditional sentence and alternative sanction, in particular in case of non-compliance with a probation measure or alternative sanction or if the sentenced person commits a new criminal offence.

Such subsequent decisions include notably:

(a) the modification of obligations or instructions contained in the probation measure or alternative sanction, or the modification of the duration of the probation period;

(b) the revocation of the suspension of the execution of the judgment or the revocation of the decision on conditional release; and

(c) the imposition of a custodial sentence or measure involving deprivation of liberty in case of an alternative sanction or conditional sentence.’

Bulgarian law

9 Article 8 of the Nakazatelen kodeks (Criminal Code; ‘the NK’) provides, in paragraph 2 thereof:

‘A conviction handed down in another Member State of the European Union, that is not subject to appeal, for an act which constitutes an offence under the [NK] shall be taken into account in any criminal proceedings initiated against the same person in the Republic of Bulgaria.’

10 Article 68(1) of that code is worded as follows:

‘If, before the end of the probation period fixed by the court, the convicted person commits another intentional offence which is subject to public prosecution and for which a custodial sentence is imposed on him or her, even after the probation period, he or she must also serve the suspended custodial sentence.’

The dispute in the main proceedings and the question referred for a preliminary ruling

11 QS is a Romanian national residing in Romania.

12 By a judgment of 3 April 2019, upheld by a judgment of the Curtea de Apel Cluj (Court of Appeal, Cluj, Romania) of 24 June 2019, which became final, QS was convicted to a custodial sentence of one year and six months, together with probationary suspension for two years expiring on 24 June 2021 (‘the first conviction’), for the offence of driving a vehicle while intoxicated (‘the first offence’).

13 On 1 September 2020, in the course of the probation period prescribed by the first conviction, QS committed, in Bulgaria, a new offence for having driven a vehicle while intoxicated (‘the second offence’).

14 By an order of the referring court, the Rayonen sad Nesebar (District Court, Nesebar, Bulgaria), which became final on 9 March 2022, QS was convicted to a custodial sentence of three months, a fine of 150 Bulgarian leva (BGN) (approximately EUR 77) as well as a suspension of his driving licence for a 12-month period (‘the second conviction’).

15 On 23 March 2022, the referring court received a request, lodged by the prosecutor at the Rayonna prokuratura Burgas (District Public Prosecutor’s Office, Burgas, Bulgaria) in accordance with Article 68(1) of the NK, seeking execution of the first conviction, on the ground that the second offence had been committed during the probation period prescribed by that conviction.

16 In that context, the referring court expresses doubts as to the interpretation of Framework Decision 2008/675. In that regard, it submits that Article 8(2) of the NK transposed Article 3(1) of that framework decision, providing that a conviction handed down against a person in a Member State other than the Republic of Bulgaria and not subject to appeal, for an act which constitutes a

criminal offence under the NK, is to be taken into account in any criminal proceedings initiated against that person in Bulgaria.

17 That is the case with the first conviction, since QS was finally convicted to a custodial sentence of one year and six months in Romania and, on the basis of the information gathered through instruments of mutual legal assistance, it was established that the act constituting the first offence also constitutes an offence under the NK.

18 The referring court finds, moreover, that, in the case at hand, all the conditions laid down in Article 68(1) of the NK for the effective execution of the first conviction are satisfied. After all, before the end of the probation period prescribed in the context of that conviction, QS committed another intentional offence for which he was given a custodial sentence.

19 Thus, that court considers itself obliged to take the first conviction into account and order its effective execution, pursuant to the combined provisions of Article 8(2) and Article 68(1) of the NK. According to that court, the question however arises as to whether Article 3(3) of Framework Decision 2008/675 precludes such a taking into account.

20 The referring court submits that that provision, as interpreted by the Court, in particular in the judgment of 21 September 2017, *Beshkov* (C-171/16, EU:C:2017:710), requires that a decision relating to the execution of a previous conviction not be reviewed. However, it believes that the present case differs from that which gave rise to that judgment, in that any alteration of the arrangements for the execution of the first sentence would not result from a discretionary decision of that court, but would be the consequence of a legal obligation laid down in Article 68(1) of the NK.

21 It is in those circumstances that the Rayonen sad Nesebar (District Court, Nesebar) decided to stay the proceedings and to refer the following question to the Court for a preliminary ruling:

‘Must Article 3(3) of [Framework Decision 2008/675] be interpreted as precluding national legislation such as [that resulting from] Article 68(1) of the NK, in conjunction with Article 8(2) thereof, which provides that the national court seised of an application for execution of the sentence imposed by a previous conviction handed down by a court of another Member State may, for that purpose, alter the arrangements for executing that sentence by ordering its actual execution?’

Consideration of the question referred

22 By its question, the referring court seeks, in essence, to ascertain whether Article 3(3) of Framework Decision 2008/675 must be interpreted as permitting a court of one Member State, seised of a request for execution of a sentence accompanied by a probationary suspension imposed following a previous conviction handed down in another Member State for different facts, to revoke that suspension and order the effective execution of that sentence.

23 It is necessary, as a preliminary matter, to verify whether such a request falls within the scope of Framework Decision 2008/675.

24 In that regard, it should be recalled that the purpose of that framework decision, pursuant to Article 1(1) thereof, is to determine the conditions under which previous convictions handed down in one Member State against a person are taken into account in the course of new criminal proceedings brought in another Member State against the same person for different facts (judgment of 5 July 2018, *Lada*, C-390/16, EU:C:2018:532, paragraph 27 and the case-law cited). It should

also be noted that, in accordance with Article 2 of that framework decision, the concept of ‘conviction’ covers any final decision of a criminal court establishing guilt of a criminal offence.

25 It follows that, as the Advocate General noted, in essence, in point 36 of his Opinion, Framework Decision 2008/675 is intended to apply to any new criminal proceedings brought in one Member State against a person who has been subject to a previous final conviction handed down in another Member State for different facts.

26 Moreover, it follows from Article 3(2) of that framework decision, read in the light of recitals 2 and 7 thereof, that, for the purposes of the application of that framework decision, the concept of ‘new criminal proceedings’ covers the pre-trial stage, the trial stage itself and the execution of the conviction (see, to that effect, judgment of 5 July 2018, *Lada*, C-390/16, EU:C:2018:532, paragraphs 29 and 30).

27 Thus, Framework Decision 2008/675 is applicable not only to proceedings concerned with establishing that an accused person is or is not guilty of an offence, but also to proceedings relating to the enforcement of the sentence where account must be taken of a sentence imposed following a previous conviction handed down in another Member State and that has become final (see, to that effect, judgment of 21 September 2017, *Beshkov*, C-171/16, EU:C:2017:710, paragraph 28).

28 In the case at hand, the request in the main proceedings referred to in paragraph 15 of the present judgment was lodged in one Member State, namely the Republic of Bulgaria, against a person who had previously been subject to a first final conviction handed down in another Member State, namely Romania.

29 Moreover, although that request seeks the effective execution of the sentence imposed by that first conviction, it was lodged on account of the handing down, in Bulgaria, of a second conviction against that person for different facts and is part of proceedings relating to the execution of that second conviction for which the sentence imposed by the said first conviction handed down in Romania must be taken into account.

30 As the Advocate General observed in point 40 of his Opinion, it is apparent from the applicable national law, as set out in the order for reference, that, where, as in the present case, a person previously convicted to a custodial sentence accompanied by a probationary suspension, including in another Member State, is once again convicted to a custodial sentence for an intentional offence committed during the probation period fixed by the first conviction, the court with jurisdiction, for the purpose of handing down the new conviction, rules also on the execution of the suspended sentence as prescribed by the first conviction.

31 It follows from the foregoing that the request in the main proceedings forms part of new criminal proceedings instituted in one Member State against a person who was subject to a previous final conviction handed down in another Member State for different facts and therefore falls, on that basis, within the scope of Framework Decision 2008/675.

32 In those circumstances, it must be understood that, by its question, the referring court is asking, in essence, whether Article 3(3) of Framework Decision 2008/675 must be interpreted as precluding legislation of a Member State which permits a court of that State, seised, in the context of new criminal proceedings instituted against a person who has been subject to a final conviction to a sentence, accompanied by a probationary suspension, previously handed down in another Member State for different facts and not yet executed fully, of a request for execution of that conviction, to revoke that suspension and order the effective execution of that sentence.

33 In that regard, it should be emphasised at the outset that, as recital 6 thereof states, the objective of the said framework decision is not to bring about the execution, in a Member State, of judicial decisions taken in other Member States. It aims, on the contrary, as is apparent from recitals 2 and 5 to 7 thereof, to ensure that each Member State seeks to attach to previous criminal convictions handed down in another Member State legal effects equivalent to those attached to national convictions handed down by its own courts in accordance with national law, for the purposes of assessing the offender's criminal record and establishing whether he or she has reoffended, and in order to determine the type of sentence applicable and the arrangements for enforcing it (see, to that effect, judgment of 15 April 2021, *AV (Aggregate sentence)*, C-221/19, EU:C:2021:278, paragraphs 47 to 49 and the case-law cited).

34 In accordance with that objective, Article 3(1) of the same framework decision, read in the light of recital 5 thereof, obliges Member States to ensure that, where new criminal proceedings are brought against a person, previous convictions handed down in other Member States against him or her for different facts, in respect of which information has been obtained under applicable instruments on mutual legal assistance or on the exchange of information extracted from criminal records, are taken into account to the extent that previous national convictions are themselves taken into account under national law, and that the legal effects attached to them are equivalent to those attached to previous national convictions, in accordance with national law, whether in relation to questions of fact or questions of substantive or procedural law (see, to that effect, judgment of 15 April 2021, *AV (Aggregate sentence)*, C-221/19, EU:C:2021:278, paragraph 50 and the case-law cited).

35 However, in accordance with Article 3(3) of Framework Decision 2008/675, the taking into account, in new criminal proceedings, of previous convictions handed down in another Member State may not have the effect either of interfering with those previous convictions or with any decision relating to their execution in the Member State in which the new criminal proceedings are conducted, or of revoking or reviewing those convictions, which must be taken into account in the terms in which they were handed down (judgment of 15 April 2021, *AV (Aggregate sentence)*, C-221/19, EU:C:2021:278, paragraph 53 and the case-law cited).

36 Following on from that provision, Article 3(4) of that framework decision specifies that Article 3(1) thereof is not to apply to the extent that, had the previous conviction been a national conviction of the Member State conducting the new proceedings, the taking into account of that previous conviction would, according to the national law of that Member State, have had the effect of interfering with, revoking or reviewing the previous conviction or any decision relating to its execution.

37 For the purposes of applying Article 3(3) and (4) of the said framework decision, recital 14 thereof states that 'interference with a [conviction] or its execution' covers, inter alia, situations where, according to the national law of the Member State conducting the new criminal proceedings, the sanction imposed by a previous conviction is to be absorbed by or included in another sanction, which is then to be effectively executed, to the extent that the first sentence has not already been executed or its execution has not been transferred to that Member State.

38 In that regard, the Court has held, in the first place, that Article 3(3) of Framework Decision 2008/675, read in the light of recital 6 thereof, must be interpreted as precluding national legislation which provides that a national court, seised in the context of new criminal proceedings, may revoke the suspension of execution attached to a custodial sentence imposed by a final conviction previously handed down in another Member State and which has already been executed fully, and convert that sentence to a period of imprisonment. The taking into account of that conviction in

such circumstances would have the effect of reviewing the arrangements for execution of that conviction (see, to that effect, judgment of 21 September 2017, *Beshkov*, C-171/16, EU:C:2017:710, paragraphs 44 to 47).

39 It follows that, as regards a final conviction to a custodial sentence accompanied by a probationary suspension previously handed down in a Member State and executed fully, Article 3(3) and (4) of Framework Decision 2008/675, read in the light of recitals 6 and 14 thereof, precludes a national court from taking that conviction into account in the same way as a national conviction and from recognising the said conviction as having effects equivalent to those which are attached to national convictions, where that would, according to the applicable national law, have the effect of revoking the probationary suspension to which the sentence imposed by the said conviction was attached and converting that sentence to a period of imprisonment.

40 In the second place, the Court has specified that the taking into account of a previous final conviction handed down in another Member State and not been executed fully, in new criminal proceedings instituted against the same person for different facts with a view to the imposition of an overall sentence taking into account the sentence imposed by that conviction, is not to have the effect of interfering with the said conviction or any decision relating to its execution, within the meaning of Article 3(3) of Framework Decision 2008/675, read in the light of recital 14 thereof, where the same conviction has been forwarded and recognised, in accordance with Framework Decision 2008/909, for the purpose of its execution in the Member State conducting the new criminal proceedings (see, to that effect, judgment of 15 April 2021, *AV (Aggregate sentence)*, C-221/19, EU:C:2021:278, paragraphs 55 and 56).

41 In that context, it should be noted, as the Advocate General stated in point 51 of his Opinion, that, as regards a final conviction to a custodial sentence accompanied by a probationary suspension, such as that at issue in the main proceedings, the forwarding of that conviction to the competent authority of the Member State conducting the new criminal proceedings and the recognition of that conviction by that Member State are governed not by Framework Decision 2008/909, but by Framework Decision 2008/947 (see, to that effect, judgment of 26 March 2020, *A. P. (Probation measures)*, C-2/19, EU:C:2020:237, paragraph 59). After all, the scope of those two framework decisions is mutually exclusive, as follows from Article 1(3)(a) of Framework Decision 2008/947.

42 The fact remains that, in accordance with Article 14(1) of that framework decision, one of the effects of recognition of a conviction to a custodial sentence accompanied by a probationary suspension is precisely to confer upon the competent authority of the executing Member State the power to adopt the measures relating to the suspension initially granted which appear necessary when the sentenced person commits a new criminal offence (see, to that effect, judgment of 26 March 2020, *A. P. (Probation measures)*, C-2/19, EU:C:2020:237, paragraphs 47 to 49).

43 It follows that, as regards a final conviction to a custodial sentence accompanied by a probationary suspension, which has previously been handed down in a Member State and which has not been executed fully, it is only where that conviction has been forwarded and recognised, in accordance with Framework Decision 2008/947, that Article 3(3) and (4) of Framework Decision 2008/675, read in the light of recitals 6 and 14 thereof, does not preclude a national court from taking that conviction into account in the same way as a national conviction and from recognising the said conviction as having effects equivalent to those which are attached to national convictions, where that taking into account has the effect of revoking the probationary suspension to which the sentence imposed by the said conviction was attached and ordering the effective execution of the said sentence. It is only in such a scenario that such a taking into account of the same conviction

would not have the effect of interfering with decisions relating to its execution, within the meaning of the said provision.

44 In the case at hand, it is apparent from the order for reference, first, that, after having been convicted, in Romania, to a custodial sentence of one year and six months, together with probationary suspension for two years expiring on 24 June 2021, QS committed, on 1 September 2020, that is to say, during the probation period prescribed by the first conviction, a second offence for which he was convicted in Bulgaria. It follows that the first conviction had not been executed fully at the date on which the second offence was committed.

45 Second, according to the referring court, the taking into account, in the main proceedings, of the first conviction in the same way as a national conviction and the recognition of that conviction as having effects equivalent to those which are attached to national convictions would, according to national law, as interpreted by that court, have the effect of obliging the said court to revoke the probationary suspension to which that sentence was attached and order the effective execution of that conviction.

46 As has been noted in paragraph 43 of the present judgment, however, such a taking into account of the first conviction can take place only where the execution of that conviction has been forwarded to and recognised in the Member State conducting the new criminal proceedings – in this case, in Bulgaria – in accordance with the conditions laid down in Framework Decision 2008/947.

47 However, it is in no way apparent from the order for reference that the judgment of the Curtea de Apel Cluj (Court of Appeal, Cluj), mentioned in paragraph 12 of the present judgment, was forwarded, pursuant to that framework decision, to the competent Bulgarian authorities with a view to its recognition and the supervision of the probation measures contained in that judgment, which it is nevertheless for the referring court to verify.

48 It should also be added that the fact, mentioned by the referring court, that such an interference with the arrangements for execution of the conviction imposed by the first conviction, as it was handed down, would not result from a review of that conviction on the initiative of that court or of the convicted person, but would arise, pursuant to Bulgarian law, from the taking into account of the said conviction as if it had been handed down by Bulgarian courts, is irrelevant in that regard. It is sufficient to note that a national court cannot take into account, in that way, a previous final conviction, handed down in another Member State, outside the scenarios provided for by Framework Decision 2008/947.

49 In the light of all the foregoing considerations, the answer to the question referred is that Article 3(3) of Framework Decision 2008/675 must be interpreted as not precluding legislation of a Member State which permits a court of that State, seised, in the context of new criminal proceedings instituted against a person who has been subject to a final conviction to a sentence, accompanied by a probationary suspension, previously handed down in another Member State for different facts and not yet executed fully, of a request for execution of that conviction, to revoke that suspension and order the effective execution of that sentence, provided that the said conviction has been forwarded to and recognised in the Member State conducting the new criminal proceedings, in accordance with Framework Decision 2008/947.

Costs

50 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the national court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Fourth Chamber) hereby rules:

Article 3(3) of Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings

must be interpreted as meaning that it does not preclude legislation of a Member State which permits a court of that State, seised, in the context of new criminal proceedings instituted against a person who has been subject to a final conviction to a sentence, accompanied by a probationary suspension, previously handed down in another Member State for different facts and not yet executed fully, of a request for execution of that conviction, to revoke that suspension and order the effective execution of that sentence, provided that the said conviction has been forwarded to and recognised in the Member State conducting the new criminal proceedings, in accordance with 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.

[Signatures]

* Language of the case: Bulgarian.