



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From :	General Secretariat
To :	Delegations
Subject :	Implementation of the Framework Decision of the Council of the European Union of 6 October 2006 (2006/783/JHA) of the application of the principle of mutual recognition to confiscation orders - Information provided to the General Secretariat

Delegations will find attached updated information about the state of play of the implementation of the Framework Decision 2006/783/JHA of 6 October 2006 of the application of the principle of mutual recognition to confiscation orders.

The information provided in the table is up-to-date as at 24 April 2012.

Council Framework Decision 2006/783/JHA of 6 October 2006 of the application of the principle of mutual recognition to confiscation orders

ANNEX

	State/date of implementation of Framework Decision	Transmission re Article 22(2) of National Legislation	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19 (languages)
<u>BELGIUM</u>	<u>Implemented</u> <u>Entry into force of legislation :</u> <u>14 April 2012</u>	<u>Yes</u>	1) A confiscation order can be issued by a public prosecutor. 2) Central authority : <u>Service Public Federal Justice</u> <u>Autorité centrale de coopération internationale en matière pénale</u> <u>Boulevard de Waterloo 115</u> <u>B-1000 Brussels</u> <u>Fax: +32 2 210 57 98</u>	will not recognise/execute (see 8994/12 COPEN 93 EUROJUST 37 EJM 30)	Dutch, French, German or English
<u>BULGARIA</u>	<u>Implemented</u> <u>Entry into force of legislation :</u> <u>27 February 2010</u>	<u>Yes</u>	1/ When Bulgaria is executing state: The district court (for Sofia district – the Sofia City court) within whose district the person against whom/which the decision has been issued: a) is domiciled or permanently resident, and in the case of a legal person, has its registered seat, registered office or address for	will not recognise/execute (see 15217/10 COPEM 227 EUROJUST 114 EJM 53)	Bulgarian

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		correspondence; b) owns property, or c) receives income. 2/ When Bulgaria is issuing state: The Regional or District Court which has ruled the decision at first instance. A list of the district and regional courts in the Republic of Bulgaria was originally contained in the Notification, drawn up by the Ministry of Justice to the Secretariat. However this list is not contained in document (see :15217/10 COPEN 227 EUROJUST 114 EJM 53). 3/ Central authority: In cases where direct contact between the competent authorities is not possible, the authority responsible for the administrative transmission and receipt of		

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		decisions on the enforcement of financial penalties in the Republic of Bulgaria, shall be the Ministry of Justice. <i>MINISTRY OF JUSTICE</i> <i>Address: 1040 Sofia, "Slavyanska" Street 1</i> <i>Fax: + 359 2 980 92 22,</i> <i>Tel.: + 359 2 9237 545, + 359 2 9237 466</i> <i>e-mail: n_hringova@justice.government.bg</i> (see 15217/10 COPEN 227 EUROJUST 114 EJM 53)		
CZECH REPUBLIC Implemented Entry into force of legislation : 1 January 2009	Yes	1/ Czech Republic as the issuing State: the locally competent high, regional (including Prague Municipal Court), district (including Brno Municipal Court) and the Supreme Court of the Czech Republic; Office of the	will not recognise/execute (see 12002/09 COPEN 135)	

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State/date of implementation of Framework Decision	Transmission re Article 22(2) of National Legislation	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19 (languages)
		Government Representation in Property Affairs. 2/ Czech Republic as the executing State: the locally competent high and regional courts and Prague Municipal Court; Office of the Government Representation in Property Affairs. (see 12002/09 COPEN135)		

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DENMARK	Implemented Entry into force of legislation : 1 January 2005	Yes	As issuing and executing State: Ministry of Justice. If it is accompanied by the certificate provided for, an order may be transmitted to: Ministry of Justice Slotsholmsgade 10 1216 København K Tel: +45 7226 8400 Fax: +45 3392 2689 Email: jm@jm.dk (see doc. 15970/09)		Danish
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GERMANY	Implemented Entry into force of legislation : 22 October 2009	Yes	State prosecutor and Senatsverwaltung für Justiz in Berlin (see doc.: 17509/10 COPEN 281)	will not recognise / execute	German and official language of other member States which accept confiscation orders in German
ESTONIA	(The FD is in drafting process and will be submitted to Parliament in September 2011 and will be implemented)				
GREECE					

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SPAIN	Entry into force of legislation : 11 March 2010	Yes	The competent authority where Spain is the issuing state: -The Criminal court responsible for enforcing the decision in Spain The competent authority where Spain is the executing state: The Juzgado de lo Penal (first instance criminal court) which has jurisdiction over the place where the property is located (see doc.: 5534/11 COPEN 9 EUROJUST 8 EIJN 4)		Spanish
FRANCE	Implemented Adoption of legislation : 9 July 2010	Yes	Pour l'article 3§1: a) pour la mise à exécution d'une décision de confiscation : les magistrats et officiers du ministère public; b) pour la réception d'une demande de confiscation : les procureurs de la République territorialement compétents.	La France n'a effectué aucune déclaration au titre de l'article 7, paragraphe 2 de la décision-cadre (see doc.: 17038/10 COPEN 272)	French

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IRELAND						
ITALY						
CYPRUS	Implemented Entry into force of legislation: 25 June 2010 with the amending law (No. 58(I)/10), of the Prevention and Suppression of Money Laundering and Terrorist Financing Law of 2007	Yes		Unit for Combating Money Laundering (MOKAS), Attorney General's Office Tel: +357 22446018, 22446004 Fax: +357 22317063 E-mail: mokas@mokas.law.gov.cy		Greek and English

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LATVIA	Implemented Entry into force of legislation : 14 July 2009	Yes	Competent authority as executing State: any district (city) court Competent authority as issuing State: any court Central authority: Tieslietu ministrija (Ministry of Justice) Brīvības bulv. 36 - Rīga LV-1536 Latvia tel.: +371 67036801 +371 67285575 fax: +371 670720823 e-mail: tm.kanceleja@tm.gov.lv (see doc. 15586/09)		Latvian
LITHUANIA					

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LUXEMBOURG					will not recognise/execute (see 13075/06 COPEN 98)	
HUNGARY	Implemented (official notification containing relevant declarations will be submitted to GSC) Entry into force of legislation : 8 January 2009	Yes		If Hungary is the executing State, implementation measures are undertaken by the local court operating in the County Court. The competence of the local court grounds on a) the location of the asset or item which is covered by the order from the Member State to implement confiscation, or b) if the location of the asset or item is unknown ba) the place of abode of the accused, or in the absence of such, the place of residence, or bb) if the order from the Member State to implement confiscation is directed against a legal entity, the seat of the legal entity. The implementation measures are undertaken by		Hungarian

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			the Central District Court of Buda for matters in Budapest. If the competent court cannot be otherwise established, or if the asset which is the subject of the sanction for definitive deprivation, the order is accepted by the Central District Court of Buda, which takes measures to enforce the order. If Hungary is the issuing state, a court under whose procedures confiscation or confiscation of assets may be implemented may take measures for implementation of confiscation of an item used, or intended to be used, in any Member State of the European Union by making a direct request towards the judicial authority in the Member State within whose scope and competency the matter falls.		
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MALTA	Implemented Entered into force on: 22 October 2010 and started to apply to decisions issued after the 24 November 2008	Yes	Office of the Attorney General The Palace Valletta , Malta Tel: +356 2568 3144 Fax: +356 2568 3103 E-mail: agmla.mjha@gov.mt (doc.: 16711/10 COPEN 263)		Maltese/English
THE NETHERLANDS	Implemented Entry into force of legislation : 1 June 2009	Yes	Centraal Justitieel Incassobureau Afdeling Executie Grensoverschrijdende Sancties Centrale Autoriteit Postbus 185 8900 AD Leeuwarden T: 0031 (0) 58 - 253 3700 Fax: 0031 (0) 58 - 253 3030 centralauthority@cjib.minjus .nl (see doc. 12709/09)		English and Dutch and all other official EU languages if together with a EN translation

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AUSTRIA	Implemented Entry into force of legislation : 1 July 2007	Yes	Austria as the issuing state: district courts (Bezirksgerichte) and the regional courts (Landesgerichte) Austria as the executing state: regional courts (Landesgerichte) (for a detailed list see 5880/08 COPEN 18)	will not recognise/execute (see 5880/08 COPEN 18)	German. Certificates in other languages will be accepted on a reciprocal basis (see 5880/08 COPEN 18)
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POLAND	Implemented Entry into force of legislation : 5 February 2009	Yes	- Issuing state: the regional and district courts with territorial jurisdiction; - Executing state: the district courts with territorial jurisdiction Authority responsible: Ministerstwo Sprawiedliwości Rzeczypospolitej Polskiej Departament Współpracy Międzynarodowej i Prawa Europejskiego Aleje Ujazdowskie 11, 00-950 Warsaw, Poland Tel. +48 22 2390 870 Fax +48 22 6280 949 e-mail dwm@ms.gov.pl www http://www.ms.gov.pl (see doc. 5314/10)	will not recognise / execute (see 5314/10 COPEN 10)	
PORTUGAL	Implemented Entry into force of legislation : 31 August 2009	Yes			

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ROMANIA	Implemented Entry into force of legislation: 13.11.2008	Yes	executing authorities: district courts in the circumscription of which the property which has to be confiscated are: Central Authority : Ministry of Justice Direcția Drept Internațional și Cooperare Judiciară (Directorate of International Law and Judicial Cooperation) Serviciul Cooperare judiciară internațională în materie penală (Division for international judicial cooperation in criminal matters) Strada Apolodor 17, Sector 5 București, Cod 050741 Tel: 0040 37204 1077 (director office) 0040 37204 1082 (Division for international judicial cooperation in criminal matters) Fax: 0040 37204 1079 E-mail: dreptinternational@just.ro (see docs.16284/08, 6453/09)		Romanian (see 16284/08 COPEN 236)
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SLOVENIA	Implemented Entry into force of legislation : 25 October 2007	Yes	District courts and Local courts (for details + list see 13203/08 COPEN 164)	will not recognise/execute (see 13203/08 COPEN 164)	Slovenian or English (see 13203/08 COPEN 164)
SLOVAKIA					
FINLAND	Implemented Entry into force of legislation : 24 November 2008	Yes	Competent authority Legal Register Centre : Address: Legal Register Centre Linnankatu 3b P.O. Box 157 FI-13101 Hämeenlinna Finland Tel. +358 10 36 65631 Fax +358 10 36 65703 e-mail : oikeusrekisterikeskus@om.fi (see doc. 7732/09)		Finnish, Swedish and English. Finland may also accept certificates provided in a different language if there are no obstacles for such acceptances

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SWEDEN	Implemented Entry into force of legislation : 1 July 2011	Yes	Competent Authority The Swedish Enforcement Authority Östra enheten 5 S-106 65 Stockholm SWEDEN Tel: +46 10 578 3070 Fax: +46 10 578 3390 e-mail: konofogden@kronofogdemyndigheten.se (see doc. 17842/11)	will not recognise/execute (see 17842/11 COPEN 349 EUROJUST 209 EJN 178)	Swedish, Danish, Norwegian or English, or be accompanied by a translation in one of those languages
UNITED KINGDOM					
