



**COUNCIL OF  
THE EUROPEAN UNION**

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**17458/13**

**COPEN 231  
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**NOTE**

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From :	General Secretariat
To :	Delegations
Prev. doc.	9015/2/12 REV 2 COPEN 95 EJN 29 EUROJUST 36
Subject :	Implementation of the Framework Decision of the Council of the European Union of 24 February 2005 (2005/214/JHA) of the application of the principle of mutual recognition to financial penalties - Information provided to the General Secretariat

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Delegations will find attached updated information about the state of play of the implementation of the Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.

The information provided in the table is up-to-date as at 12 December 2013.

	<b>State/date of implementation of Framework Decision</b>	<b>Transmission of National Legislation</b>	<b>Notification re Article 2(1) Competent Authorities</b>	<b>Notification of Article 16 Languages</b>
<b>BELGIUM</b>	Implemented Entry into force of legislation : 14 April 2012	YES	1) The competent Belgian issuing authority is the public prosecutor. 2) Central authority: Service Public Federal Justice Autorité centrale de coopération internationale en matière pénale Boulevard de Waterloo 115 B-1000 Brussels Fax: + 32 2 210 57 98 (see 8994/12 COPEN 93 EUROJUST 37 EJN 30)	Dutch, French, German or English
<b>BULGARIA</b>	Implemented Entry into force of legislation : 27 February 2010	YES	<b>1/ When Bulgaria is executing state:</b> The District Court (for Sofia district – the Sofia City court) of the domicile or habitual residence of the person, and for legal entities - of their registered seat, management address or address for correspondence.	Bulgarian

	State/date of implementation of Framework Decision	Transmission of National Legislation	Notification re Article 2(1) Competent Authorities	Notification of Article 16 Languages
			<p>If the domicile or habitual residence of the person, and for legal entities - their seat, registered office or address for correspondence in the territory of the Republic of Bulgaria are not stated in the certificate, the decision imposing a financial penalty shall be recognised by the District Court of the location of the property or the place of the source of the income of the person concerned.</p> <p><b>2/ When Bulgaria is issuing state the competent authorities are:</b></p> <p>a) Court decisions: The Regional or District Court which has ruled the decision at first instance.</p> <p>b) Penal decrees (decisions, issued by an authority other than a court in respect of infringements of the rules of law): The National Revenue Agency <i>NATIONAL REVENUE AGENCY</i> <i>Address: Dondukov boulevard 52, Sofia, Bulgaria,</i> <i>Information centre – 0700 18 700,e-mail: infocenter@nra.bg</i></p>	

	State/date of implementation of Framework Decision	Transmission of National Legislation	Notification re Article 2(1) Competent Authorities	Notification of Article 16 Languages
			<p>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 15219/10 COPEN 228 EUROJUST 115 EJM 54.</p> <p><b>3/ Central authority:</b>                      In cases where direct contact between the competent authorities is not possible, the authority responsible for the administrative transmission and receipt of decisions on the enforcement of financial penalties in the Republic of Bulgaria, shall be the Ministry of Justice.</p> <p>MINISTRY OF JUSTICE                      Address: 1040 Sofia, "Slavyanska" Street 1                      Fax: + 359 2 980 92 22, Tel.: + 359 2 9237 545, + 359 2 9237 466                      e-mail:                      n_hringova@justice.government.bg</p>	

<p><b>CZECH REPUBLIC</b></p>	<p>Implemented Entry into force of legislation : 1 January 2008</p>	<p>YES</p>	<p><b>1/ Czech Republic is the issuing State :</b> all courts (district courts, area courts, regional courts, high courts, Prague Municipal Court, Brno Municipal Court and the Supreme Court);</p> <p><b>2/ Czech Republic is the executing State :</b> - the locally competent district courts - the regional courts decide on appeals.</p> <p>Where the Czech Republic is the executing State, the authority competent for the reception of decisions together with certificates from other Member States, and for the procedure for recognition and execution, is the district court within whose area the sentenced person against whom the decision is directed has or had his or her last place of permanent residence, or is staying; otherwise the competent authority is the district court within whose area the sentenced person owns property. The contact details of the district courts are set out in Annexes 2 and 3. (See: 14900/12 COPEN 224 EUROJUST 95 EJM 78)</p>	<p>The Czech Republic accepts certificates drawn up in Czech or accompanied by a translation into Czech. In relation to the Slovak Republic, the Czech Republic accepts certificates drawn up in Slovak.  (See: 14900/12 COPEN 224 EUROJUST 95 EJM 78)</p>
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<b>DENMARK</b>	Implemented Entry into force of legislation : 1 January 2005	YES	<p>Justitsministeriet Slotsholmsgade 10 1216 København K Denmark Phone: +45 7226 8400 Fax: +45 3392 2689 E-mail: jm@jm.dk</p> <p>(See : 10909/07 COPEN 97)</p>	<p>Danish</p> <p>(See : 10909/07 COPEN 97)</p>
<b>GERMANY</b>	Implemented Entry into force of legislation : 28 October 2010	YES	<p>Bundesamt für Justiz Adenauerallee 99-103 53113 Bonn E-mail: EU-Geldsanktionen@bfj.bund.de (doc.: 17526/10 COPEN 282 EUROJUST 142 EJM 73)</p>	German
<b>ESTONIA</b>	Implemented Entry into force of legislation : 28 July 2008	YES	<p>Both, as the issuing state and as the executing state: Ministry of Justice Tõnismägi 5a Tallin 15191 Estonia Tel: +372 620 81 00 E-mail: info@just.ee</p> <p>See 14381/08</p>	Estonian or English

GREECE				
SPAIN	<p>Implemented Entry into force of legislation : 24 December 2008</p>	YES	<p>The competent authority where Spain is the issuing state:</p> <ul style="list-style-type: none"> <li>- The Criminal court responsible for enforcing the decision in Spain</li> </ul> <p>The competent authority where Spain is the executing state:</p> <ul style="list-style-type: none"> <li>- The Juzgado de lo Penal (first instance criminal court) criminal court which has jurisdiction over the place where the properties or sources of income, or the usual place of residence, of the natural person or the registered office of the legal person to whom/which the decision applies are located.</li> </ul> <p>See 6448/09</p>	Spanish

FRANCE	Implemented Adoption of legislation : 5 March 2007 and 3 May 2007	YES	<ul style="list-style-type: none"> <li>– for the issuing of financial penalties, the prosecutors (magistrats) and officials of the public prosecutor's office;</li> <li>– for the execution of financial penalties, the public prosecutors (procureurs de la République) with territorial jurisdiction.</li> </ul> <p>See 11080/07 COPEN 102</p>	French
IRELAND				
ITALY	(Draft bill)			(Italian)
CYPRUS	Implemented Entry into force of legislation : 2007	yes	<p>Υπουργείο Δικαιοσύνης και Δημοσίας Τάξεως Μονάδα Διεθνούς Νομικής Συνεργασίας Λεωφόρος Αθαλάσσης 125 1461 Λευκωσία Κύπρος Τηλ.: +357 22805928 Fax : +357 22518328 e-mail : emorphaki@mipo.gov.cy registry@mipo.gov.cy</p> <p>See 16239/08 COPEN 232</p>	Greek or Turkish or English



<p>LATVIA</p>	<p>Implemented Entry into force of legislation : 29 July 2008</p>	<p>YES</p>	<p>Competent authority in the executing State: City (District) Court Competent authority in the issuing State: Any court or the public prosecutor's office  Central authority: Ministry of Justice Tieslietu ministrija (Ministry of Justice) Brīvības bulv. 36 - Riga LV-1536 Latvia tel.: +371 67036801 +37167036716 fax: +3716720823 e-mail: tm.kanceleja@tm.gov.lv  See 14385/08</p>	<p>Latvian or English</p>
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<p><u>LITHUANIA</u></p>	<p>Implemented Entry into force of legislation : 1 March 2008 and 21 March 2008</p>	<p>YES</p>	<p><u>Executing state:</u> District courts of the place where the natural or legal person on whom a financial penalty has been imposed is resident or has its registered seat. Where the natural person on whom a financial penalty has been imposed has no residence in the Republic of Lithuania or the legal person has no registered seat in the Republic of Lithuania, the financial penalty is recognised by the district court of the place where the property or the principal part thereof from which recovery may be sought is located.</p> <p><u>Issuing state:</u> Courts of general competence (district courts, county courts, the Court of Appeals of Lithuania and the Supreme Court of Lithuania)</p>	<p>Lithuanian and English</p>
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		<p><u>Contact details and activity territories of the courts of the Republic of Lithuania may be found in ANNEX to doc 11926/13 COPEN 102 EUROJUST 51 EJN 41.</u></p> <p>The Ministry of Justice of the Republic of Lithuania Gedimino pr. 30/1, LT 01104, Vilnius, Lithuania. Tel. (370) 5266 2933 Fax (370) 5262 5940</p> <p>Is the <u>central authority</u> responsible for the <u>administrative transmission and receipt of decisions and for assistance to competent authorities <b>only when it is impossible to identify which authority is the executing competent authority.</b></u></p>	
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LUXEMBOURG	Implemented Entry into force of legislation : 23 February 2010	YES	Competent authority as issuing and as executing state:  Parquet Général Cité Judiciaire Bâtiment CR Bureau CR 4.22 L-2080 Luxembourg Tél.: +352 47 59 81 - 329 ou 393 Fax: + 352 47 05 05 parquet.general@justice.etat.lu	
HUNGARY	Implemented Entry into force of legislation : 12 April 2007	YES	Regarding criminal offences where financial penalties are imposed Hungary has not designated any central authority.  issuing authority: courts executing authority: courts (the residence of the defendant, the headquarter of the legal person, or in absence of these the location of the property subject to execution substantiate the jurisdiction of the <i>local court located at the seat of the county court, or, in Budapest the Buda Central District Court.</i> )  Regarding administrative offences where fine is imposed the National Police Headquarters was designated by Hungary as the central authority for legal assistance in execution, i.e. in receiving and forwarding the legally binding decision imposing the fine.  See 6356/2/09 REV 2 COPEN 31	Hungarian

	Implemented.	YES	Court of Criminal Jurisdiction	Maltese or English
MALTA	The legislation entered into force on 6 November 2009 and started to apply to decisions issued after the 22 March 2007	YES	(see doc.: 5466/11 COPEN 5 EUROJUST 5 EJN 2)	
THE NETHERLANDS	Implemented Entry into force of legislation: 1 December 2007	Yes	Public prosecutor at the Leeuwarden District Public Prosecutor's Office. Competent authority responsible for the administrative transmission and reception of the decisions: Centraal Justitieel Incassobureau Europese geldelijke sancties P.O. Box 185, 8900 AD Leeuwarden tel. +31 (0)58 2533700 mail: centralauthority@cjib.minjus.nl See doc. 5388/08 COPEN 6	Dutch or English, certificates in another official language of the Member States of the European Union will be accepted on condition that they are accompanied by a translation into English.  See doc. 5388/08 COPEN 6

<p><u>AUSTRIA</u></p>	<p>Implemented Entry into force of legislation : 1 July 2007</p>	<p>YES</p>	<p><u>1/ The regional court within whose district the natural or legal person against whom the decision has been made is permanently or otherwise resident. A list of competent regional courts and their addresses is given in Annex II to doc 7026/1/08 REV 1 COPEN 39</u></p> <p><u>2/ The authority competent for enforcement is the district administrative authority that has jurisdiction <i>ratione loci</i> (district chief officers' departments or bodies of cities with a status of their own) although in matters falling within the substantive sphere of activity of the state police departments within a local administrative area for which the state police department is at the same time the security authority of first instance, it is the state police department.</u></p> <p><u>A list of competent district administrative authorities and federal police departments and their addresses is given in Annex II to doc 10816/13 COPEN 95 EUROJUST 45 EJM 39.</u></p>	<p><u>The certificate must be sent, together with the decision, to the district administrative authority or state police department within whose district the natural or legal person against whom the decision has been made is permanently or otherwise resident (or, in the case of a legal person, has its registered office), possesses assets or receives income.</u></p> <p><u>See: 10816/13 COPEN 95 EUROJUST 45 EJM 39</u></p>
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<p><b>POLAND</b></p>	<p>Implemented Entry into force of legislation: 18 December 2008</p>	<p>Yes</p>	<p>1. acting as issuing authority: competent regional and district courts. 2. acting as executing authority: competent district courts. A list of competent district administrative authorities and federal police departments and their addresses is given in Annex III to doc 17227/10 COPEN 277 EJM 76 EUROJUST 145.</p>	<p>Polish</p>
<p><b>PORTUGAL</b></p>	<p>Implemented Entry into force of legislation: 1st November 2009</p>	<p>YES</p>	<p>1. Acting as issuing authority: a) The Court which has pronounced the decision; or b) When the decision has been taken by an administrative authority, the Court competent for its execution.  2. Acting as executing authority: a) The Court of the habitual residence area or of registered office whether the person concerned is a physical or legal person; b) If the habitual residence or registered office is not known, the Court of the location of the property or of the place of the source of the income of the person concerned.</p>	<p>Portuguese. Certificates in another official language of European Union institutions will be accepted if Portugal declares so.</p>

<p><b>ROMANIA</b></p>	<p>Implemented Entry into force of legislation: 13 November 2008</p>	<p>YES</p>	<p>Starting to January 2009 the coordinates of the central authority are:  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 1081 (Division for international judicial cooperation in criminal matters) Fax: 0040 37204 1079 E-mail: dreptinternational@just.ro</p> <p>Issuing authorities: the courts.</p> <p>Executing authorities: the courts in the circumscription of which the person has her or his domicile or the legal entity has the its headquarters, depending of the material competence of the courts.</p> <p>(for a detailed list: see 16283/08 COPEN 235 + 6451/09 COPEN 34)</p>	
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Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

SLOVENIA	Implemented Entry into force of legislation: 25 October 2007	YES	District Courts or Local Courts  (for a detailed list: see 13174/08 COPEN 161)	Slovenian or English  (see 13174/08 COPEN 161)
SLOVAKIA	Implemented Entry into force of legislation: 1 August 2011	YES	<p>The competent authority for proceedings concerning the recognition and enforcement of decisions on financial penalties handed down by a court in the issuing State is the regional court within the territory of which the place of residence or registered seat of the person required to pay the penalty in question is situated. If the place of residence or registered seat of the person concerned is not situated on the territory of the Slovak Republic, Bratislava Regional Court is competent for the proceedings.</p> <p>The competent authority for proceedings concerning the recognition and enforcement of a decision on financial penalties handed down by an administrative body in the issuing State is Bratislava I District Court.</p> <p>The competent authorities for issuing a decision on financial penalties are all courts in the Slovak Republic.</p> <p>(see 10842/12 COPEN 134 EUROJUST 52 EJM 40)</p>	Slovak. Between the Slovak Republic and another Member State : the language adopted in mutual communication between the authorities of the respective States on the basis of a declaration of reciprocity.  (see 10842/12 COPEN 134 EUROJUST 52 EJM 40)

<p><b>FINLAND</b></p>	<p>Implemented Entry into force of legislation: 22 March 2007</p>	<p>YES</p>	<p>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 7965/07 COPEN 40)</p>	<p>Finnish, Swedish or English. Finland may also accept certificates provided in a different language if there are no obstacles for such acceptances.  (see 7965/07 COPEN 40)</p>
<p><b>SWEDEN</b></p>	<p>Implemented Entry into force of legislation: 30 December 2009</p>	<p>YES</p>	<p>Address of the Competent Authority: Kronofogdemyndigheten (The Swedish Enforcement Authority) Östra enheten 5 106 65 Stockholm SWEDEN Tel.: +46 10 578 3070 Fax: +46 10 578 3390 E-mail: kronofogdemyndigheten@kronofogden.se (see 16720/10 COPEN 264)</p>	<p>Swedish, Danish, Norwegian or English  (see 16720/10 COPEN 264)</p>

<p><b>UNITED KINGDOM</b></p>	<p>Implemented Entry into force of legislation: 1 October 2009</p>	<p>YES</p>	<p>As issuing and executing state: - A magistrates' court (England and Wales) - A sheriffs court or JP Court (Scotland) - The Crown Court, a magistrates' court and any appellate court (Northern Ireland)  (see 16457/09 COPEN 234)</p>	<p>English</p>
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