



Council of the
European Union

067825/EU XXV. GP
Eingelangt am 04/06/15

Brussels, 3 June 2015
(OR. en)

7574/1/15
REV 1

COPEN 81
EUROJUST 67
EJN 29

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	9500/14 COPEN 138 EUROJUST 51 EJN 91
Subject:	Implementation of the Framework Decision 2006/783/JHA of the Council of the European Union of 6 October 2006 on 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 implementation of Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders (OJ L 328, 24.11.2006, p. 59).

In accordance with Article 22, the Framework Decision should have been implemented by 24 November 2008. So far, 23 Member States have notified that they have implemented the Framework decision.

This information is based on notifications communicated to the General Secretariat by Member States, to which reference is made in the last column. It is up-to-date as at 3 June 2015.

Delegations are invited to communicate any further information in relation to the implementation status of the Framework Decision to secretariat.criminal-law@consilium.europa.eu

Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders					
Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
BELGIUM	Implemented Entry into force of legislation : 14 April 2012	FEDERAL PUBLIC SERVICE JUSTICE Directorate General for Legislation, Fundamental Rights and Freedoms Central Authority for International Cooperation in Criminal Matters Boulevard de Waterloo 115 1000 Brussels Belgium Fax: +32 2 542 71 99 Email: centralauthority.iccm@just.fgov.be (see doc.15548/13 COPEN 176 EUROJUST 99 EJNI 68)	will not recognise/execute (see doc. 8994/12 COPEN 93 EUROJUST 37 EJNI 30)	Dutch, French, German or English	(see doc. 8994/12 COPEN 93 EUROJUST 37 EJNI 30)

Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders					
Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
BULGARIA	Implemented Entry into force of legislation : 27 February 2010	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 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	will not recognise/execute (see doc.15217/10 COPEN 227 EUROJUST 114 EJM 53)	Bulgarian	(see doc.15217/10 COPEN 227 EUROJUST 114 EJM 53)

Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders					
Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
		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 doc. 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 decisions on the enforcement of financial penalties in the Republic of Bulgaria, shall be the Ministry of Justice.			

Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders					
Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
		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 (see 15217/10 COPEN 227 EUROJUST 114 EJM 53)			
CZECH REPUBLIC	Implemented Entry into force of legislation : 1 January 2009	1/ Czech Republic as the issuing State: a. the locally competent high, regional (including Prague Municipal Court), district (including Brno Municipal Court) and the Supreme Court of the Czech Republic; b. Office of the Government Representation in Property Affairs.	will not recognise/execute (see doc.12002/09 COPEN 135)		(see doc. 12002/09 COPEN 135)

Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders					
Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
		2/ Czech Republic as the executing State: a. the locally competent high and regional courts and Prague Municipal Court; b. Office of the Government Representation in Property Affairs. (see doc.12002/09 COPEN135)			

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
DENMARK	Implemented Entry into force of legislation : 1 January 2005	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	(see doc. 15970/09)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
GERMANY	Implemented Entry into force of legislation : 22 October 2009	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	(see doc.17509/10 COPEN 281)
ESTONIA	(The FD is in drafting process and will be submitted to Parliament in September 2011 and will be implemented)				
GREECE					

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
<u>SPAIN</u>	Entry into force of legislation : <u>21 November 2014</u>	As issuing state: <u>the Criminal Courts or Judges presiding over the enforcement of sentences where the confiscation of property is imposed as an additional consequence</u> As executing state: <u>The criminal court where the property is located or has been located initially;</u> <u>in case of request concerning more items or in case of multiple requests - the criminal court, which has received a request first.</u> (see doc. 8721/15)	<u>Will not recognise/execute when the competent court considers that the confiscation order is incompatible with the fundamental rights and freedoms enshrined in the Spanish Constitution</u>	Spanish	(see doc. 8138/15 and 8721/15)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
FRANCE	Implemented Adoption of legislation : 9 July 2010	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	(see doc.17038/10 COPEN 272)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
CROATIA	Implemented as part of the acquis - 1 July 2013	1) When HR is executing State: a) The county state attorney's offices for the place where the property or objects are located, or, in the case of natural persons, where the person in question is permanently or temporarily resident or stays, or, in the case of legal persons, where the person in question has its registered seat (competent to receive a decision on confiscation); b) the county courts (competent to recognise and execute a decision on confiscation);	Will not recognise/execute (see doc. 12335/14 COPEN 203 EUROJUST 140 EJN 75)	Croatian; English (in urgent cases) on a reciprocal basis	(see doc. 12335/14 COPEN 203 EUROJUST 140 EJN 75)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
		2) When HR is issuing State: - competent courts under national law (list provided in doc. 12335/14 COPEN 203 EUROJUST 140 EJM 75 Annex II)			

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
IRELAND					
ITALY					

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
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	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	

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
LATVIA	Implemented Entry into force of legislation : 14 July 2009	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	(see doc. 15586/09 COPEN 224)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
LITHUANIA	Implemented Entry into force of legislation : 21 March 2013	1) Competent authority as executing State: District courts 2) Competent authority as issuing State: Courts of general jurisdiction (district courts, regional courts, the Lithuanian Court of Appeal and the Supreme Court of Lithuania) Central authority: Ministry of Justice of the Republic of Lithuania Gedimino pr. 30/12, LT-01104, Vilnius, Lithuania Tel: +370 5266 2933 Fax: +370 5262 5940 (see doc.: 17911/13 COPEN 248 EUROJUST 149 EJM 80)	will recognise/execute (only when this is consistent with the national law of the Republic of Lithuania)	Lithuanian, English	(see doc. 17911/13 COPEN 248 EUROJUST 149 EJM 80)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
LUXEMBOURG			will not recognise/execute (see doc. 13075/06 COPEN 98)		
HUNGARY	Implemented <i>(official notification containing relevant declarations will be submitted to GSC)</i> Entry into force of legislation : 8 January 2009	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		Hungarian	Yes

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
		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 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			

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
		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.			

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
MALTA	Implemented Entered into force on: 22 October 2010; applies to decisions issued after 24 November 2008	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	(doc.16711/10 COPEN 263)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
NETHERLANDS	Implemented Entry into force of legislation : 1 June 2009	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 E-mail: centralauthority@cjib.minjus.nl (see doc. 12709/09)		English and Dutch and all other official EU languages if together with a EN translation	(see doc. 12709/09)
AUSTRIA	Implemented Entry into force of legislation : 1 July 2007	Austria as the issuing state: district courts (Bezirksgerichte) and the regional courts (Landesgerichte)	will not recognise/execute (see doc. 5880/08 COPEN 18)	German. Certificates in other languages will be accepted on a reciprocal basis	(see doc. 5880/08 COPEN 18)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
		Austria as the executing state: regional courts (Landesgerichte) (for a detailed list see doc. 5880/08 COPEN 18)		(see doc. 5880/08 COPEN 18)	
POLAND	Implemented Entry into force of legislation : 5 February 2009	- 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	will not recognise / execute (see doc. 5314/10 COPEN 10)		(see doc. 5314/10 COPEN 10)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
		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)			

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
PORTUGAL	Implemented Entry into force of legislation : 31 August 2009				Yes

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
ROMANIA	Implemented Entry into force of legislation: 13 November 2008	Executing authorities: Ministry of Justice Directorate of International Law and Judicial Cooperation Division for international judicial cooperation in criminal matters) Strada Apolodor 17, Sector 5 București, Cod 050741 Tel: +40 37204 1077 +40 37204 1085 Outside office hours: Tel: +40 733.737.769 Fax: +40 37204 1079/84 E-mail: centralauthority_copen@just.ro (see doc. 5769/14 COPEN 25 EJM 17 EUROJUST 20)	will not recognise/execute (see doc. 5769/14 COPEN 25 EJM 17 EUROJUST 20)	Romanian (see doc.16284/08 COPEN 236)	(see doc. 16284/08 COPEN 236)
SLOVENIA	Implemented Entry into force of	Local courts and District courts	will not recognise/execute	Slovenian and also English	(see doc. 5506/14 COPEN 14 EUROJUST 10 EJM 9)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
	legislation : 25 October 2007	(for details + list see doc. 5506/14 COPEN 14 EUROJUST 10 EJA 9)	(see doc. 5506/14 COPEN 14 EUROJUST 10 EJA 9)	(see doc.5506/14 COPEN 14 EUROJUST 10 EJA 9)	
SLOVAKIA					
FINLAND	Implemented Entry into force of legislation : 24 November 2008	Competent authority Legal Register Centre : Address: Legal Register Centre Vanajantie 10 A P.O. Box 157 FI-13101 Hämeenlinna Finland Tel. +358 29 56 65631 Fax +358 29 56 65782 e-mail : oikeusrekisterikeskus@om.fi (see doc.5817/14 COPEN 31 EUROJUST 25 EJA 22)		Finnish, Swedish and English. Finland may also accept certificates provided in a different language if there are no obstacles for such acceptances	(see doc.5817/14 COPEN 31 EUROJUST 25 EJA 22)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
SWEDEN	Implemented Entry into force of legislation : 1 July 2011	Competent Authorities: 1) 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) 2) From 1 July 2014, where Sweden is the executing State, its courts are also competent authorities in accordance with the Framework Decision. All orders and accompanying certificates should however continue to be sent to the Swedish Enforcement Authority in accordance with the information previously submitted. (see doc. 12005/14 COPEN 199 EUROJUST 137 EJJN 72)	From 1 July 2014 Sweden will be able to recognise and execute orders including those issued under the extended powers of confiscation referred to Article 2(d)(iv) of the Framework Decision (see doc. 12005/14 COPEN 199 EUROJUST 137 EJJN 72)	Swedish, Danish, Norwegian or English, or be accompanied by a translation in one of those languages	(see doc. 12005/14 COPEN 199 EUROJUST 137 EJJN 72)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
UNITED KINGDOM	Implemented Entry into force of legislation : 3 December 2014	1) Any prosecutor in the UK can forward orders made in UK by the courts relating to property in other Member States. 2) In relation to orders made by Member States relating to property in the United Kingdom, a list of competent authorities is provided: (see doc. 6637/15 COPEN 66 EUROJUST 58 EJA 25).		English; or requests accompanied by a certified English translation	(see doc. 6637/15 COPEN 66 EUROJUST 58 EJA 25)
