



Council of the
European Union

Brussels, 5 June 2015
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9638/15

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EUROJUST 117
EJN 56

NOTE

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| From: | General Secretariat of the Council |
| To: | Delegations |
| No. prev. doc.: | 9617/14 COPEN 143 EUROJUST 94 EJN 53 |
| Subject: | Implementation of the Framework Decision of the Council of the European Union of 22 July 2003 (2003/577/JHA) on the execution in the European Union of orders freezing property or evidence - Information provided to the General Secretariat |

Delegations will find attached updated information about the state of implementation of Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (OJ L 196, 2.8.2003, p.45).

In accordance with Article 14, the Framework Decision should have been implemented by 2 August 2005. So far, 25 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. It is up-to-date as at 5 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 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence | | | |
|---|---|--|--|
| Member State | State/date of implementation of Framework Decision | Competent authorities for execution | Notification re Article 9(3) (languages) |
| BELGIUM | Implemented Entry into force of legislation: 17 September 2006 | Public Prosecutor (see doc. 14288/06) | Declaration made pursuant to Article 9(3): yes French, Dutch, German and English See doc.14228/06 |
| BULGARIA | Implemented Entry into force of legislation : 25 July 2006 | Sofia City Court | Bulgarian |
| CZECH REPUBLIC | Implemented Entry into force of legislation: 1 July 2006 <u>Entry into force of new legislation:</u> 1 January 2014 | The Prosecutor of the Regional Prosecutor's office (including Prague Municipal Prosecutor's Office) within which region is the property concerned by the freezing order situated (See doc. 11811/06 COPEN 83) | Declaration made pursuant to Article 9(3): yes Czech Certificates from Slovakia in Slovak and from Austria in German provided that reciprocity is granted (See doc. 11811/06 COPEN 83) |
| DENMARK | Implemented Entry into force of legislation: | Local Chief of Police | Danish |

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|--------------|---|--|---|
| | 22 December 2004 | Local Prosecutor | |
| GERMANY | Implemented (Act of 6 June 2008) Entry into force of legislation: 30 June 2008 | State prosecutor See doc. 9309/109 | Declaration made pursuant to Article 9(3): yes German and Official language of other member States which accept freezing orders in German See doc. 9309/109 |
| ESTONIA | Implemented Entry into force of legislation : 19 June 2008 | Estonian Prosecutor General's Office | Estonian, English |
| GREECE | | | |
| SPAIN | Implemented Entry into force of legislation: 7 June 2006 <u>Entry into force of Organic Law 23/2014 on mutual recognition of judicial decisions in criminal matters in the EU:</u> 21 November 2014 | The examining magistrate ("Juez de instrucción") in which jurisdiction the property or evidence is located, and public prosecutors for those freezing evidence orders within their competence. | Spanish |

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| | (See doc. 8138/15 and 8720/15) | | |
| FRANCE | Implemented (Act nr. 2005-750 of 4.7.2005) | prosecutors, investigating magistrates, judges for liberties and detention according to internal rules of competence and depending on the purpose of the request | French |
| CROATIA | <u>Implemented</u> | | <u>Croatian</u> <u>In urgent cases- translation in English on condition of reciprocity</u> (doc. 12335/14) |
| IRELAND | Implemented: Criminal Justice (Mutual Assistance) Act 2008. Entry into force of legislation: 1 September 2008 . See doc. 17405/08 | Mutual Assistance and Extradition Division, Department of Justice, Equality and Law Reform, Pinebrook House, 71-74 Harcourt Street, Dublin 2, Ireland. Tel:- + 353 1 6028589, 6028535, 6028605 Fax:- + 353 1 6028606 | Irish, English |
| ITALY | | | |

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| CYPRUS | <p>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.</p> | <p>Unit of Combating Money Laundering (MOKAS), Attorney General's Office (Orders freezing property) Tel: +357 22446018, 22446004 Fax: +357 22317063 E-mail: mokas@mokas.law.gov.cy</p> | <p>Greek, English</p> |
| LATVIA | <p>Implemented. Entry into force of legislation : 1 January 2008.</p> | <p>General Prosecutor's Office Kalpaka bulvāris 6, Rīga, LV-1801 Latvija tel.: +371 67044400 fax: +371 67044449 e-mail: gen@lrp.gov.lv</p> | <p>Declaration made pursuant to Article 9(3): yes Latvian and English See doc. 13688/08</p> |
| LITHUANIA | <p>Implemented. Entry into force of legislation: 21 July 2007</p> | <p>General Prosecutor's Office Rinktinės str. 5A, LT-01515 Vilnius, Lithuania Tel. 370 5 266 2305, fax 370 5 266 2317 E-mail: generaline.prokuratura@prokuraturos.lt</p> | <p>Declaration made pursuant to Article 9(3): yes Lithuanian and English See doc. 8548/08</p> |

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|--------------|--|--|--|
| LUXEMBOURG | | | |
| HUNGARY | Implemented Entry into force of legislation: 5 November 2005 | Ministry of Justice and Law enforcement Kossuth ter 4, 1055 Budapest Tel. 36 (1) 441-3113 Fax 36 (1) 441-3112 e-mail: nemzb@irm.gov.hu | Hungarian See doc. 11960/05 |
| MALTA | Implemented Entry into force of legislation: 7 December 2007 | Attorney General's Office The Palace Valletta, Malta Tel: +356 2568 3144 Fax: +356 2568 3103 E-mail: agmla.mjha@gov.mt | Maltese and English |
| NETHERLANDS | Implemented (law adopted on 16 June 2005) Entry into force of legislation: 1 August 2005 | International Legal Assistance Centres (competent authorities: prosecutors and investigating judges) See doc.11729/05 | Declaration made pursuant to Article 9(3): yes Dutch and English Certificates in other languages will be also accepted if accompanied by |

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| AUSTRIA | Implemented Entry into force of legislation: 2 August 2005 | Regional Court ("Gerichtshof erster Instanz") See doc. 16187/06 | translation into English (See doc. 11730/05) |
| POLAND | Implemented (law adopted on 7 July 2005) Entry into force of legislation: 2 August 2005 | - At trial stage: District Court ("sąd rejonowy") - At pre-trial stage: Circuit Prosecutor Office ("prokuratura okręgowa") See doc. 7199/06 | Declaration made pursuant to Article 9(3): yes German, other languages on the basis of reciprocity See doc. 16187/06 Polish |
| PORTUGAL | Implemented Entry into force of legislation : 5 June 2009 | | Portuguese |
| ROMANIA | Law No 222 of 24 October 2008 Entry into force of legislation: 13 November 2008 Amended and supplemented by Law | Ministry of Justice Directorate for International Law and Judicial Cooperation Division for international judicial | Romanian |

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|--------------|---|--|---|
| | No 300, published in Official Gazette of Romania on 11 December 2013 | cooperation in criminal matters Strada Apolodor 17, Sector 5 București, Cod 050741 Tel: +40 37 204 1077 +40 37 204 1085 Outside office hours: +40 733 737 769 Fax: +40 37 204 1079/84 E-mail: centralauthority_copen@just.ro See doc. 5773/14 | |
| SLOVENIA | Implemented Entry into force of legislation: 25 November 2007 Replaced by Act on International Cooperation in Criminal matters between the MSs of the EU Entry into force: 20 September 2013 See doc. 17989/13 | Investigating judges at district courts See doc. 8549/08 | Declaration made pursuant Article 9(3): yes Slovenian and English see doc.17989/13 |
| SLOVAKIA | Implemented Entry into force of legislation: 1 January 2006 | District prosecutors | Slovak |

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| FINLAND | <p>Implemented</p> <p>Entry into force of legislation: 2 August 2005</p> | <p>Same prosecutors as for EAW</p> <p>See doc. 12022/05</p> | <p>Declaration made pursuant Article 9(3): yes</p> <p>Finnish, Swedish, English or a translation in one of those languages. The competent prosecutor may also accept a certificate provided in a different language if there are no obstacles to such acceptance.</p> <p>See doc. 12022/05</p> |
| SWEDEN | <p>Implemented</p> <p>Entry into force of legislation: 1 July 2005</p> | <p>The public prosecutors at the international public prosecution offices are competent within their regions to deal with cases on freezing.</p> <p>Some specially authorized prosecutors at the Swedish Economic Crimes Authority are also competent to deal with cases concerning qualified economic criminality.</p> <p>Outside office hours regular duty and stand-by prosecutors are competent to handle cases on freezing.</p> <p>See doc.11728/05</p> | <p>Declaration made pursuant Article 9(3): yes</p> <p>Swedish, Danish, Norwegian, English</p> <p>See doc.11191/05</p> |

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| UNITED KINGDOM | <p>Implemented those parts of the FD relating to the freezing of evidence.</p> <p>Work to implement the Framework Decision in relation to property is ongoing. Strong legislation is already in place which provides for international co-operation in both the freezing and confiscation of criminal assets. (Part 11 of The Proceeds of Crime Act 2002, and supporting Orders in Council).¹</p> <p>See doc. 5254/10</p> | <p>Freezing order together with the certificate must be sent to:</p> <p>For England, Wales and Northern Ireland: UK Central Authority Home Office 5th Floor Fry 2 Marsham Street London SW1P 4DF</p> <p>For Scotland: International Co-operation Unit Crown Office 25 Chambers Street Edinburgh EH1 1LA</p> | English or accompanied by an English translation. |

¹ COPEN 3 EJM 1 EUROJUST 7.