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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	9549/14 COPEN 142 EUROJUST 93 EJN 52
Subject:	Implementation of Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties - Information provided to the General Secretariat

Delegations will find attached updated information about the state of implementation of Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties. (OJ L 76, 22.03.2005, p. 16).

In accordance with Article 20, the Framework Decision should have been implemented by 22 March 2007. 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 4 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

Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties				
	State/date of implementation of Framework Decision	Notification re Article 2(1) Competent Authorities	Notification re Article 16 Languages	Notification re Article 20 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 2 512 71 99 (see doc. 15548/13)	Dutch, French, German or English	Doc. 8994/12
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) of the domicile or habitual residence of the person, and for legal entities - of their registered seat, management address or address for correspondence.	Bulgarian	Doc. 15219/10

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State/date of implementation of Framework Decision	Notification re Article 2(1) Competent Authorities	Notification re Article 16 Languages	Notification re Article 20 Implementation
	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. 2/ When Bulgaria is issuing state the competent authorities are: a) Court decisions: The Regional or District Court which has ruled the decision at first instance. 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 NATIONAL REVENUE AGENCY Address: <i>Dondukov boulevard 52, Sofia, Bulgaria,</i> Information centre – 0700 18 700,e-mail: infocenter@nra.bg		

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State/date of implementation of Framework Decision	Notification re Article 2(1) Competent Authorities	Notification re Article 16 Languages	Notification re Article 20 Implementation
	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. 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. 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		

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	State/date of implementation of Framework Decision	Notification re Article 2(1) Competent Authorities	Notification re Article 16 Languages	Notification re Article 20 Implementation
CZECH REPUBLIC	Implemented Entry into force of legislation : 1 January 2008	1/ Czech Republic is the issuing State all courts (district courts, area courts, regional courts, high courts, Prague Municipal Court, Brno Municipal Court and the Supreme Court); 2/ Czech Republic is the executing State : - the locally competent district courts - the regional courts decide on appeals. 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 doc. 14900/12	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 doc. 14900/12)	Doc. 14900/12

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	State/date of implementation of Framework Decision	Notification re Article 2(1) Competent Authorities	Notification re Article 16 Languages	Notification re Article 20 Implementation
DENMARK	Implemented Entry into force of legislation : 1 January 2005	Justitsministeriet Slotsholmsgade 10 1216 København K Denmark Phone: +45 7226 8400 Fax: +45 3392 2689 E-mail: jm@jm.dk (See doc. 10909/07)	Danish (See doc.10909/07)	Doc. 10909/07
GERMANY	Implemented Entry into force of legislation : 28 October 2010	Bundesamt für Justiz Adenauerallee 99-103 53113 Bonn E-mail: EU-Geldsanktionen@bfj.bund.de (doc. 17526/10)	German	doc.17526/10
ESTONIA	Implemented Entry into force of legislation : 28 July 2008	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 See 14381/08	Estonian or English	doc.14381/08

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GREECE				
SPAIN	Implemented Entry into force of legislation : 24 December 2008 Entry into force of <u>Organic Law 23/2014 on mutual recognition of judicial decisions in criminal matters in the EU</u>: 21 November 2014	<u>When issuing state:</u> – The Criminal court that would be responsible for executing the decision in <u>Spain</u> <u>When executing state:</u> (a) Primarily, the Criminal Court for the place in which the sentenced person is resident or, in the case of legal persons, in which their registered office is located. (b) Alternatively, the Criminal Court for the place in which any of the immovable property belonging to the natural or legal person subject to the financial penalty is located. (c) Finally, the Criminal Court for the place in which any of the sentenced person's sources of income are located in <u>Spain</u>. <u>The Ministry of Justice is the central</u>	Spanish	doc. 8138/15 and 8722/15

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		<u>authority responsible for assisting the judicial authorities</u> See doc. 8138/15 and 8722/15		

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FRANCE	Implemented Adoption of legislation : 5 March 2007 and 3 May 2007	– for the issuing of financial penalties, the prosecutors (magistrats) and officials of the public prosecutor's office; – for the execution of financial penalties, the public prosecutors (procureurs de la République) with territorial jurisdiction. See doc. 11080/07	French	doc. 11080/07

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CROATIA		(a) <u>The authority competent to receive a decision is the county court for,</u> • <u>in the case of natural persons, the place where the person in question is permanently or temporarily resident or stays, or,</u> • <u>in the case of legal persons, where the person in question has its registered seat. If it is impossible to establish which county court is competent, the County Court in Zagreb is competent to receive the decision.</u> (b) <u>The judicial authorities competent to recognise and execute decisions on financial penalties are the county courts, which will execute the received decisions concerning financial penalties in accordance with domestic law and in the same manner as they would execute a financial penalty imposed by a domestic court.</u> <u>A list of the county courts, together with</u>	<u>Croatian</u> <u>In urgent cases, a translation in English is accepted on condition of reciprocity</u>	<u>Doc. 12335/14</u>

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		their contact details is contained in doc. <u>12335/14</u>		
IRELAND				
ITALY	(Draft bill)			
CYPRUS	Implemented Entry into force of legislation : 2007	When issuing State (a) The Assize Court or the District Court which issued the decision; (b) Any authority in the Republic designated by law or by administrative regulation as competent to issue a decision imposing a fine or administrative penalty. When executing State The District Court within whose local jurisdiction the natural or legal person against whom the decision has been issued in another Member State has his customary residence or, in the case of a legal person, place of business.	Greek or Turkish or English	Doc. 16239/08

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	State/date of implementation of Framework Decision	Notification re Article 2(1) Competent Authorities	Notification re Article 16 Languages	Notification re Article 20 Implementation
		Central authority The competent authority responsible for the administrative transmission and reception of decisions in accordance with the Framework Decision on the application of the principle of mutual recognition to financial penalties is the following: Ministry of Justice and Public Order Unit for International Legal Cooperation Leoforos Athalassas 125 1461 Nicosia Cyprus Tel.: +357 22805928 Fax: +357 22518328 e-mail: emorphaki@mipo.gov.cy registry@mipo.gov.cy See doc.16239/08		
LATVIA	Implemented Entry into force of	Competent authority in the executing State: City (District) Court	Latvian or English	doc. 14385/08

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	State/date of implementation of Framework Decision	Notification re Article 2(1) Competent Authorities	Notification re Article 16 Languages	Notification re Article 20 Implementation
	legislation : 29 July 2008	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 - Rīga LV-1536 Latvia tel.: +371 67036801 +37167036716 fax: +3716720823 e-mail: tm.kanceleja@tm.gov.lv See doc. 14385/08		
LITHUANIA	Implemented Entry into force of legislation : 1 March 2008 and 5 March 2008	Executing state: 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	Lithuanian and English	Doc. 14389/08

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State/date of implementation of Framework Decision	Notification re Article 2(1) Competent Authorities	Notification re Article 16 Languages	Notification re Article 20 Implementation
	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. Issuing state: Courts of general competence (district courts, county courts, the Court of Appeals of Lithuania and the Supreme Court of Lithuania)		

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State/date of implementation of Framework Decision	Notification re Article 2(1) Competent Authorities	Notification re Article 16 Languages	Notification re Article 20 Implementation
	Contact details and activity territories of the courts of the Republic of Lithuania may be found in ANNEX to doc 11926/13 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 Is the <i>central authority</i> responsible for the administrative transmission and receipt of decisions and for assistance to competent authorities only when it is impossible to identify which authority is the executing competent authority.		

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	State/date of implementation of Framework Decision	Notification re Article 2(1) Competent Authorities	Notification re Article 16 Languages	Notification re Article 20 Implementation
LUXEMBOURG	Implemented Entry into force of legislation : 23 February 2010	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	German or French	doc. 8897/10
HUNGARY	Implemented Entry into force of legislation : 12 April 2007	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	Hungarian	Doc. 6356/09 REV 2

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		receiving and forwarding the legally binding decision imposing the fine. See 6356/2/09 REV 2 COPEN 31		
MALTA	Implemented. The legislation entered into force on 6 November 2009 and started to apply to decisions issued after the 22 March 2007	Court of Criminal Jurisdiction (see doc. 5466/11)	Maltese or English	doc. 5466/11
NETHERLANDS	Implemented Entry into force of legislation: 1 December 2007	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@cjb.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. doc. 5388/08 COPEN 6	doc. 5388/08

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AUSTRIA	Implemented Entry into force of legislation : 1 July 2007	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 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. A list of competent district administrative authorities and federal police departments and their addresses	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. See: 10816/13 COPEN 95 EUROJUST 45 EJM 39	

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		is given in Annex II to doc 10816/13 COPE 95 EUROJUST 45 E.J.N 39.		
POLAND	Implemented Entry into force of legislation: 18 December 2008	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	Polish	doc 17227/10
PORTUGAL	Implemented Entry into force of legislation: 1st November 2009	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	Portuguese. Certificates in another official language of European Union institutions will be accepted if Portugal declares so.	

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	State/date of implementation of Framework Decision	Notification re Article 2(1) Competent Authorities	Notification re Article 16 Languages	Notification re Article 20 Implementation
ROMANIA	Implemented Entry into force of legislation: 13 November 2008	person concerned. 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 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. 5772/14)		doc. 5772/14

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	State/date of implementation of Framework Decision	Notification re Article 2(1) Competent Authorities	Notification re Article 16 Languages	Notification re Article 20 Implementation
SLOVENIA	Implemented Entry into force of legislation: 25 October 2007	District Courts (for a detailed list: see doc. 5505/14)	Slovenian. The Republic of Slovenia will also accept certificates translated into English. (see doc. 5505/14)	doc. 5505/14
SLOVAKIA	Implemented Entry into force of legislation: 1 August 2011	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. 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.	In Slovak, or accompanied by a translation into Slovak. The Slovak Republic will accept certificates pursuant to this legal act in respect of the Czech Republic in Czech. (see doc. 6883/14)	doc. 10842/12

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		The competent authorities for issuing a decision on financial penalties are all courts in the Slovak Republic. (see doc. 10842/12)		
FINLAND	Implemented Entry into force of legislation: 22 March 2007	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 : oikeyrekisterikeskus@om.fi (see doc. 5817/14)	Finnish, Swedish or English. Finland may also accept certificates provided in a different language if there are no obstacles for such acceptances. (see doc. 7965/07)	doc. 7965/07
SWEDEN	Implemented Entry into force of legislation: 30 December 2009	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 doc. 16720/10)	Swedish, Danish, Norwegian or English (see doc. 16720/10)	doc. 16720/10

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UNITED KINGDOM	Implemented Entry into force of legislation: 1 October 2009	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 doc.16457/09)	English	doc.16457/09