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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	9549/14
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 for information a revised table concerning the 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, 22.3.2005, p. 16).

The information is based on notifications by Member States to the Council General Secretariat, to which reference is made in the last column of the table.

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

According to the information received, up to now 26 Member States (BE, BG, CZ, DK, DE, EL, ES, EE, FR, HR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI, SE) have implemented the Framework Decision in their national legal order and have made the necessary notifications/declarations.¹ The UK has also implemented the Framework Decision.

The information in the table is a summary of the notified information: delegations are invited to consult the documents referred to in the last column in order to obtain more detailed information.

The information provided in the table is up-to-date as at 11 February 2020. Any comments or suggestions for improvement should be sent to steven.cras@consilium.europa.eu.

Please note that all information relating to the implementation of the Framework Decision can also be found on the website of the European Judicial Network (EJN):

https://www.ejn-crimjust.europa.eu/ejn/EJN_Library_StatusOfImpByCat.aspx?l=EN&CategoryId=25

¹ IE still has to make a notification.
NB: In respect of certain Member States, some information is missing (see table).

	State/date of implementation of Framework Decision	Notification re Article 2(1) Competent Authorities	Declaration re Article 4(7) Central Authority (only UK, IE)	Notification re Article 16 Languages	Notification re Article 20(5) Transmission of National Legislation + Doc. Nr.
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		Dutch French German English	YES Doc. 15548/13.

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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. 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.		Bulgarian	YES 15219/10

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		<p>2/ When Bulgaria is issuing state the competent authorities are:</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> Address: <i>Dondukov boulevard 52, Sofia, Bulgaria,</i></p> <p><i>Information centre – 0700 18 700, e-mail: infocenter@nra.bg</i></p>			

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		<p>3/ Central authority:</p> <p>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</p> <p>Address: 1040 Sofia, "Slavyanska" Street 1</p> <p>Fax: + 359 2 980 92 22, Tel.: + 359 2 9237 545, + 359 2 9237 466</p> <p>e-mail: n_hringova@justice.government.bg</p>			

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CZECH REPUBLIC	<p>Implemented</p> <p>Entry into force of legislation :</p> <p>1 January 2008</p>	<p>1/ Czech Republic is the issuing State :</p> <p>all courts (district courts, area courts, regional courts, high courts, Prague Municipal Court, Brno Municipal Court and the Supreme Court);</p> <p>2/ Czech Republic is the executing State :</p> <ul style="list-style-type: none"> - the locally competent district courts - the regional courts decide on appeals. <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.</p>		<p>Czech.</p> <p>In relation to the Slovak Republic, the Czech Republic accepts certificates drawn up in Slovak.</p>	<p>YES</p> <p>14900/12</p>

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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		Danish	YES 10909/07
DEUTSCHLAND/ 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		German	YES 17526/10

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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		Estonian English	YES 14381/08

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ELLAS / GREECE	Implemented Entry into force of legislation : 5 April 2018	Issuing and executing authority: The Public Prosecutor of first instance of the criminal court which has jurisdiction over the territory where the person has property, income or habitual residence, or where the legal person is established.		Greek	5887/20
ESPAÑA/SPAIN	Implemented Entry into force of legislation : 24 December 2008	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) 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.		Spanish	YES 6448/09

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FRANCE	Implemented Entry into force of legislation: 6 May 2007	France as an issuing State: - the prosecutors (magistrats) and officials of the public prosecutor's office; France as an executing State: - the public prosecutors (procureurs de la République) with territorial jurisdiction.		French	YES 11080/07
IRELAND					
ITALY	Implemented Entry into force of legislation : 27 March 2017	Italy as issuing State: - Public Prosecutor at the Court of first instance (see further 6274/17). Italy as executing State: - Prosecutor General at the Court of Appeal		Italian	YES 6274/17
KYPROS/CYPRUS	Implemented Entry into force of legislation : 01 January 2008	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 : registry@mipo.gov.cy		Greek Turkish English	YES 16239/08

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LATVIA	Implemented Entry into force of legislation : 29 July 2008	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 - Rīga LV-1536 Latvia tel.: +371 67036801 +37167036716 fax: +3716720823 e-mail: tm.kanceleja@tm.gov.lv		Latvian English	YES 14385/08

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LITHUANIA	<p>Implemented</p> <p>Entry into force of legislation :</p> <p>1 March 2008 and 21 March 2008</p>	<p>Executing state:</p> <p>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.</p> <p>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>Issuing state:</p> <p>Courts of general competence (district courts, county courts, the Court of Appeals of Lithuania and the Supreme Court of Lithuania)</p>		<p>Lithuanian English</p>	<p>YES</p> <p>11926/13</p>

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		<p>Contact details and activity territories of the courts of the Republic of Lithuania may be found in ANNEX to doc 11926/13.</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 <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.</p>			

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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		French German	YES 8897/10

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MAGYARORSZÁG/ 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 receiving and forwarding the legally binding decision imposing the fine.		Hungarian	YES 6356/2/09 REV 2

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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 5466/11)		Maltese English	YES 5466/11
THE 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@cjib.minjus.nl See doc. 5388/08 COPEN 6		Dutch 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.	YES 5388/08

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ÖSTERREICH / AUSTRIA	Implemented Entry into force of legislation : 1 July 2007	<p>1/ The regional court within whose district the natural or legal person against whom the decision has been made is permanently or otherwise resident.</p> <p>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.</p> <p>A list of competent district administrative authorities and federal police departments and their addresses is given in Annex II to doc 10816/13.</p>		<p>German.</p> <p>Certificates in other languages will be accepted on a reciprocal basis, i.e. with the proviso that, when acting as an executing State, the Member State in question will also accept certificates in German.</p>	<p>YES</p> <p>7026/1/08 REV 1 + 10816/13</p>

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POLAND	Implemented Entry into force of legislation: 18 December 2008	PL acting as issuing authority: - competent regional and district courts. PL 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	Yes 17227/10
PORTUGAL	Implemented Entry into force of legislation: 1 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 person concerned.		Portuguese. Certificates in another official EU language will be accepted if PT declares so.	YES Doc ??

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ROMANIA	Implemented Entry into force of legislation: 13 November 2008	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			YES 5772/14

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SLOVENIA	Implemented Entry into force of legislation: 25 October 2007	District Courts (for a detailed list: see: 5505/14)		Slovenian. The Republic of Slovenia will also accept certificates translated into English.	YES 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. The competent authorities for issuing a decision on financial penalties are all courts in the Slovak Republic.		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.	YES 10842/12 + 6883/14

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SUOMI/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 : oikeusrekisterikeskus@om.fi		Finnish Swedish English. Finland may also accept certificates provided in a different language if there are no obstacles for such acceptances.	YES 7965/07 + 5817/14

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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		Swedish Danish Norwegian English	YES 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)	England and Wales: Mutual Recognition of Financial Penalties Central Authority Scotland: The Sheriff Clerk Northern Ireland: Business Development Group Northern Ireland Court Service (see contact details in 16457/09)	English	YES 16457/09