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COVER NOTE

From: Mr Nuno Brito, Ambassador, Permanent Representation of Portugal to the European Union

date of receipt: 5 May 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

Subject: Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders
- Notification by Portugal

Dear Sir,

In connection with the implementation by the Portuguese authorities of Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders, I am pleased to transmit the information contained in the document in annex.

(complimentary close)

Information to be communicated pursuant to Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders

I – Information to be communicated under Article 3(1) of the Framework Decision

When Portugal is the issuing state, without prejudice to the courts' power to act of their own motion to recognise and execute confiscation orders, it is the responsibility of the public prosecutor's office (Ministério Público) to pursue proceedings in accordance with the provisions for confiscation orders issued by a Portuguese court (Article 11(4) of Law 88/2009).

When Portugal is the executing state, the Portuguese authority competent to recognise and execute confiscation orders received in Portugal is the district court (tribunal da comarca) in whose jurisdiction the property is located (Article 11(1) of Law 88/2009).

II – Communication of national transposition provisions under Article 22(2) of the Framework Decision

The Framework Decision was transposed by Law No 88/2009 of 31 August 2009 on the issuing and execution of orders for the confiscation of crime-related instrumentalities, proceeds and advantages, transposing into national law Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009.

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