



Council of the
European Union

Brussels, 4 June 2020
(OR. en)

7856/20
ADD 1

COPEN 113
EUROJUST 67
EJN 51

COVER NOTE

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

date of receipt: 28 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 addition to Communication 341/2020 of 5 May, 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 corrected version of the information concerning the competent authorities (point I of document ST 7856/20) as well as the date of entry into force of the national implementing legislation.

(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
- Corrigenda to point I of document ST 7856/20

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

When Portugal is the issuing State, the Portuguese authority competent to transmit a confiscation order is the court which issued it (Article 7 of Law No 88/2009 of 31 August 2009).

When Portugal is the executing state, the authority competent to recognise and execute confiscation orders received in Portugal is the district court (tribunal da comarca) in whose jurisdiction the property, or the greatest number of properties, is located, or, if the number of properties cannot be determined, the court which first took cognizance of the confiscation order, as the case may be; 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 of Law 88/2009 of 31 August 2009).

II – Entry into force of the national implementing legislation

Pursuant to Article 22 of Law No 88/2009 of 31 August 2009, entry into force occurred 30 days after publication, i.e. on 30 September 2009.