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European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	9500/14 COPEN 138 EUROJUST 51 EJN 91
Subject:	Implementation of the Framework Decision 2006/783/JHA of the Council of the European Union of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders - Information provided to the General Secretariat

Delegations will find attached updated information about the state of play of the implementation of Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders (OJ L 328, 24.11.2006, p. 59).

The information provided in the table is up-to-date as at 31 March 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.

ANNEX

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (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 2 542 71 99 Email: centralauthority.iccm@just.fgov.be	will not recognise/execute (see 8994/12 COPEN 93 EUROJUST 37 EJM 30)	Dutch, French, German or English	(see 8994/12 COPEN 93 EUROJUST 37 EJM 30)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
		(see: 15548/13 COPEN 176 EUROJUST 99 EJM 68)			
BULGARIA	<p>Implemented</p> <p>Entry into force of legislation :</p> <p>27 February 2010</p>	<p>1/ When Bulgaria is executing state:</p> <p>The district court (for Sofia district – the Sofia City court) within whose district the person against whom/which the decision has been issued: a) is domiciled or permanently resident, and in the case of a legal person, has its registered seat, registered office or address for correspondence; b) owns property, or c) receives income.</p> <p>2/ When Bulgaria is issuing state:</p> <p>The Regional or District Court which has ruled the</p>	<p>will not recognise/execute</p> <p>(see 15217/10 COPEN 227 EUROJUST 114 EJM 53)</p>	<p>Bulgarian</p>	<p>(see.: 15217/10 COPEN 227 EUROJUST 114 EJM 53)</p>

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		<p>decision at first instance.</p> <p>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 (see :15217/10 COPEN 227 EUROJUST 114 EJM 53).</p> <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</p>			

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		<p>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.govern ment.bg</p> <p>(see 15217/10 COPEN 227 EUROJUST 114 EJM 53)</p>			
CZECH REPUBLIC	<p>Implemented</p> <p>Entry into force of legislation :</p>	<p>1/ Czech Republic as the issuing State:</p> <p>1. the locally competent high, regional (including Prague</p>	<p>will not recognise/execute</p> <p>(see 12002/09 COPEN 135)</p>		<p>(see 12002/09 COPEN 135)</p>

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	1 January 2009	<p>Municipal Court), district (including Brno Municipal Court) and the Supreme Court of the Czech Republic;</p> <p>2. Office of the Government Representation in Property Affairs.</p> <p>2/ Czech Republic as the executing State:</p> <p>3. the locally competent high and regional courts and Prague Municipal Court;</p> <p>4. Office of the Government Representation in Property Affairs.</p>			

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		(see 12002/09 COPEN135)			

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DENMARK	<p>Implemented</p> <p>Entry into force of legislation :</p> <p>1 January 2005</p>	<p>As issuing and executing State:</p> <p>Ministry of Justice. If it is accompanied by the certificate provided for, an order may be transmitted to:</p> <p>Ministry of Justice</p> <p>Slotsholmsgade 10</p> <p>1216 København K</p> <p>Tel: +45 7226 8400</p> <p>Fax: +45 3392 2689</p> <p>Email: jm@jm.dk</p> <p>(see doc. 15970/09)</p>		Danish	(see doc. 15970/09)

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GERMANY	Implemented Entry into force of legislation : 22 October 2009	State prosecutor and Senatsverwaltung für Justiz in Berlin (see doc.: 17509/10 COPEN 281)	will not recognise / execute	German and official language of other member States which accept confiscation orders in German	(see doc.: 17509/10 COPEN 281)
ESTONIA	(The FD is in drafting process and will be submitted to Parliament in September 2011 and will be implemented)				
GREECE					

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SPAIN	Entry into force of legislation : 11 March 2010	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) which has jurisdiction over the place where the property is located (see doc.: 5534/11 COPEN 9 EUROJUST 8 EJM 4)		Spanish	(see doc.: 5534/11 COPEN 9 EUROJUST 8 EJM 4)

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FRANCE	Implemented Adoption of legislation : 9 July 2010	Pour l'article 3§1: a) pour la mise à exécution d'une décision de confiscation : les magistrats et officiers du ministère public; b) pour la réception d'une demande de confiscation : les procureurs de la République territorialement compétents.	La France n'a effectué aucune déclaration au titre de l'article 7, paragraphe 2 de la décision-cadre (see doc.: 17038/10 COPEN 272)	French	(see doc.: 17038/10 COPEN 272)

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CROATIA	Implemented as part of the <u>acquis</u> - 1 July 2013	<p>1) When HR is executing State:</p> <p>a) <u>The county state attorney's offices for the place where the property or objects are located, or, in the case of natural persons, where the person in question is permanently or temporarily resident or stays, or, in the case of legal persons, where the person in question has its registered seat (competent to receive a decision on confiscation);</u></p> <p>b) <u>the county courts (competent to recognise and execute a decision on confiscation);</u></p> <p>2) When HR is issuing State:</p>	<p>Will not recognise/execute</p> <p><u>(see : 12335/14 COPEN 203 EUROJUST 140 EJM 75)</u></p>	<p>Croatian; English (in <u>urgent cases</u>) on a <u>reciprocal basis</u></p>	<p><u>(see : 12335/14 COPEN 203 EUROJUST 140 EJM 75)</u></p>

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		<p>- <u>competent courts under national law</u></p> <p>(list provided in the doc.: <u>12335/14 COPEN 203</u> <u>EUROJUST 140 EJM 75</u> <u>Annex II)</u></p>			

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IRELAND					
ITALY					

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CYPRUS	<p>Implemented</p> <p>Entry into force of legislation:</p> <p>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 for Combating Money Laundering (MOKAS), Attorney General's Office</p> <p>Tel: +357 22446018, 22446004</p> <p>Fax: +357 22317063</p> <p>E-mail: mokas@mokas.law.gov.cy</p>		Greek and English	

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LATVIA	<p>Implemented</p> <p>Entry into force of legislation :</p> <p>14 July 2009</p>	<p>Competent authority as executing State:</p> <p>any district (city) court</p> <p>Competent authority as issuing State: any court</p> <p>Central authority:</p> <p>Tieslietu ministrija (Ministry of Justice)</p> <p>Brīvības bulv. 36 - Riga</p> <p>LV-1536</p> <p>Latvia</p> <p>tel.: +371 67036801</p> <p>+371 67285575</p> <p>fax: +371 670720823</p>		Latvian	(see: 15586/09 COPEN 224)

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		e-mail: tm.kanceleja@tm.gov.lv (see doc. 15586/09)			
LITHUANIA	Implemented Entry into force of legislation : 21 March 2013	1) Competent authority as executing State: District courts 2) Competent authority as issuing State: Courts of general jurisdiction (district courts, regional courts, the Lithuanian Court of Appeal and the Supreme Court of Lithuania) Central authority: Ministry of Justice of the Republic of Lithuania	will recognise/execute (only when this consistent with the national law of the Republic of Lithuania)	Lithuanian, English	(see doc.: 17911/13 COPEN 248 EUROJUST 149 EJM 80)

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		<p>Gedimino pr. 30/12, LT-01104, Vilnius, Lithuania</p> <p>Tel: +370 5266 2933 Fax: +370 5262 5940</p> <p>(see doc.: 17911/13 COPEN 248 EUROJUST 149 EJM 80)</p>			
LUXEMBOURG			<p>will not recognise/execute</p> <p>(see 13075/06 COPEN 98)</p>		
HUNGARY	<p>Implemented</p> <p>(official notification containing relevant declarations will be</p>	<p>If Hungary is the executing State, implementation measures are undertaken by the local court operating in the County Court. The</p>		Hungarian	Yes

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	<p>submitted to GSC)</p> <p>Entry into force of legislation :</p> <p>8 January 2009</p>	<p>competence of the local court grounds on</p> <p>a) the location of the asset or item which is covered by the order from the Member State to implement confiscation, or</p> <p>b) if the location of the asset or item is unknown</p> <p>ba) the place of abode of the accused, or in the absence of such, the place of residence, or</p> <p>bb) if the order from the Member State to implement confiscation is directed against a legal entity, the seat of the legal entity.</p> <p>The implementation measures are undertaken by</p>			

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		<p>the Central District Court of Buda for matters in Budapest. If the competent court cannot be otherwise established, or if the asset which is the subject of the sanction for definitive deprivation, the order is accepted by the Central District Court of Buda, which takes measures to enforce the order.</p> <p>If Hungary is the issuing state, a court under whose procedures confiscation or confiscation of assets may be implemented may take measures for implementation of confiscation of an item used, or intended to be used, in any Member State of the European Union by making a direct request towards the judicial authority in the Member State within whose scope and competency the</p>			

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		matter falls.			

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MALTA	<p>Implemented</p> <p>Entered into force on: 22 October 2010 and started to apply to decisions issued after the 24 November 2008</p>	<p>Office of the Attorney General</p> <p>The Palace</p> <p>Valletta , Malta</p> <p>Tel: +356 2568 3144</p> <p>Fax: +356 2568 3103</p> <p>E-mail: agmla.mjha@gov.mt</p> <p>(doc.: 16711/10 COPEN 263)</p>		Maltese/English	(doc.: 16711/10 COPEN 263)

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
THE NETHERLANDS	Implemented Entry into force of legislation : 1 June 2009	Centraal Justitiele Incassobureau Afdeling Executie Grensoverschrijdende Sancties Centrale Autoriteit Postbus 185 8900 AD Leeuwarden T: 0031 (0) 58 - 253 3700 Fax: 0031 (0) 58 - 253 3030 E-mail: centralauthority@cjib.minjust.nl (see doc. 12709/09)		English and Dutch and all other official EU languages if together with a EN translation	(see doc. 12709/09)
AUSTRIA	Implemented Entry into force of	Austria as the issuing state: district courts	will not recognise/execute	German. Certificates in other languages will be accepted on a reciprocal basis	(see 5880/08 COPEN 18)

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	legislation : 1 July 2007	(Bezirksgerichte) and the regional courts (Landesgerichte) Austria as the executing state: regional courts (Landesgerichte) (for a detailed list see 5880/08 COPEN 18)	(see 5880/08 COPEN 18)	(see 5880/08 COPEN 18)	
POLAND	Implemented Entry into force of legislation : 5 February 2009	- Issuing state: the regional and district courts with territorial jurisdiction; - Executing state: the district courts with territorial jurisdiction Authority responsible: Ministerstwo Sprawiedliwości	will not recognise / execute (see 5314/10 COPEN 10)		(see 5314/10 COPEN 10)

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		<p>Rzeczypospolitej Polskiej</p> <p>Departament Współpracy Międzynarodowej i Prawa Europejskiego</p> <p>Aleje Ujazdowskie 11, 00-950 Warsaw, Poland</p> <p>Tel. +48 22 2390 870</p> <p>Fax +48 22 6280 949</p> <p>e-mail dwm@ms.gov.pl</p> <p>www http://www.ms.gov.pl</p> <p>(see doc. 5314/10)</p>			

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PORTUGAL	Implemented Entry into force of legislation : 31 August 2009				Yes

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ROMANIA	<p>Implemented</p> <p>Entry into force of legislation: 13 November 2008</p>	<p>Executing authorities:</p> <p>Ministry of Justice</p> <p>Directorate of International Law and Judicial Cooperation</p> <p>Division for international judicial cooperation in criminal matters)</p> <p>Strada Apolodor 17, Sector 5 București, Cod 050741</p> <p>Tel: +40 37204 1077 +40 37204 1085</p> <p>Outside office hours:</p> <p>Tel: +40 733.737.769</p> <p>Fax: +40 37204 1079/84</p> <p>E-mail:</p>	<p>will not recognise/execute</p> <p>(see: 5769/14 COPEN 25 EJM 17 EUROJUST 20)</p>	<p>Romanian</p> <p>(see 16284/08 COPEN 236)</p>	<p>(see 16284/08 COPEN 236)</p>

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		centralauthority_copen@just.ro (see doc.:5769/14 COPEN 25 EJM 17 EUROJUST 20)			
SLOVENIA	Implemented Entry into force of legislation : 25 October 2007	Local courts and District courts (for details + list see: 5506/14 COPEN 14 EUROJUST 10 EJM 9)	will not recognise/execute (see: 5506/14 COPEN 14 EUROJUST 10 EJM 9)	Slovenian and also English (see: 5506/14 COPEN 14 EUROJUST 10 EJM 9)	(see: 5506/14 COPEN 14 EUROJUST 10 EJM 9)
SLOVAKIA					
FINLAND	Implemented Entry into force of legislation : 24 November 2008	Competent authority Legal Register Centre : Address: Legal Register Centre Vanajantie 10 A P.O. Box 157		Finnish, Swedish and English. Finland may also accept certificates provided in a different language if there are no obstacles for such acceptances	(see doc.5817/14 COPEN 31 EUROJUST 25 EJM 22)

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		FI-13101 Hämeenlinna Finland Tel. +358 29 56 65631 Fax +358 29 56 65782 e-mail : oikeusrekisterikeskus@om.fi (see doc.5817/14 COPEN 31 EUROJUST 25 EJM 22)			

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<u>SWEDEN</u>	<p>Implemented</p> <p>Entry into force of legislation :</p> <p>1 July 2011</p>	<p>Competent Authorities:</p> <p>1) The Swedish Enforcement Authority</p> <p>Östra enheten 5</p> <p>S-106 65 Stockholm</p> <p>SWEDEN</p> <p>Tel: +46 10 578 3070</p> <p>Fax: +46 10 578 3390</p> <p>e-mail: konofogden@kronofogdemyndigheten.se</p> <p>(see doc. 17842/11)</p> <p>2) <u>From 1 July 2014, where Sweden is the executing State, its courts are also competent authorities in accordance with the</u></p>	<p><u>From 1 July 2014 Sweden will be able to recognise and execute orders including those issued under the extended powers of confiscation referred to Article 2(d)(iv) of the Framework Decision</u></p> <p><u>(see doc.: 12005/14 COPEN 199 EUROJUST 137 EJN 72)</u></p>	<p>Swedish, Danish, Norwegian or English, or be accompanied by a translation in one of those languages</p>	<p><u>(see doc.: 12005/14 COPEN 199 EUROJUST 137 EJN 72)</u></p>

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		<p><u>Framework Decision. All orders and accompanying certificates should however continue to be sent to the Swedish Enforcement Authority in accordance with the information previously submitted.</u></p> <p><u>(see doc.: 12005/14 COPEN 199 EUROJUST 137 EJM 72)</u></p>			

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UNITED KINGDOM	<u>Implemented</u> <u>Entry into force of legislation :</u> <u>3 December 2014</u>	<u>1) Any prosecutor in the UK can forward orders made in UK by the courts relating to property in other Member States.</u> <u>2) In relation to orders made by Member States relating to property in the United Kingdom, a list of competent authorities is provided: (see doc. 6637/15 COPEN 66 EUROJUST 58 EJM 25).</u>		<u>English; (or requests accompanied by a certified English translation)</u>	<u>(see doc. 6637/15 COPEN 66 EUROJUST 58 EJM 25)</u>