



**COUNCIL OF
THE EUROPEAN UNION**

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16925/10

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NOTE

From : General Secretariat
To : Delegations

Subject : Implementation of the Framework Decision of the Council of the European Union of 6 October 2006 (2006/783/JHA) of 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 the Framework Decision 2006/783/JHA of 6 October 2006 of the application of the principle of mutual recognition to confiscation orders.

The information provided in the table is up-to-date as for 23 November 2010.

Council Framework Decision 2006/783/JHA of 6 October 2006 of the application of the principle of mutual recognition to confiscation orders

ANNEX

	State of implementation of Framework Decision	Transmission re Article 22(2) of National Legislation	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19 (languages)
BELGIUM					
BULGARIA	Implemented	Yes	<p>1/ When Bulgaria is executing state: 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: The Regional or District Court which has ruled the decision at first instance.</p>	will not recognise/execute (see 15217/10 COPEN 227 EUROJUST 114 EJM 53)	Bulgarian

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	State of implementation of Framework Decision	Transmission re Article 22(2) of National Legislation	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19 (languages)
			<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: In cases <u>where direct contact between the competent authorities is not possible</u>, 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><i>MINISTRY OF JUSTICE Address: 1040 Sofia, "Slavyanska" Street 1 Fax: + 359 2 980 92 22,</i></p>		

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	State of implementation of Framework Decision	Transmission re Article 22(2) of National Legislation	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19 (languages)
			<p><i>Tel.: + 359 2 9237 545, + 359 2 9237 466</i> <i>e-mail: n_hringova@justice.government.bg</i></p> <p>(see 15217/10 COPEN 227 EUROJUST 114 EJM 53)</p>		
CZECH REPUBLIC	Implemented	YES	<p>1/ Czech Republic as <u>the issuing State</u>: the locally competent high, regional, district and area courts, Prague Municipal Court, Brno Municipal Court and the Supreme Court of the Czech Republic; Office of the Government Representation in Property Affairs.</p> <p>2/ Czech Republic as <u>the executing State</u>: the locally competent high and regional courts and Prague Municipal Court; Office of the Government Representation</p>	will not recognise/execute (see 12002/09 COPEN 135)	

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	State of implementation of Framework Decision	Transmission re Article 22(2) of National Legislation	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19 (languages)
			in Property Affairs. (see 12002/09 COPEN135)		
DENMARK	Implemented	yes	As issuing and executing State: Ministry of Justice. If it is accompanied by the certificate provided for, an order may be transmitted to: Ministry of Justice Slotsholmsgade 10 1216 København K Tel: +45 7226 8400 Fax: +45 3392 2689 Email: jm@jm.dk (see doc. 15970/09)		danish

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GERMANY	Implemented	Yes	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
ESTONIA					
GREECE					
SPAIN	Implemented official notification not yet submitted to GSC	yes	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		Spanish
FRANCE	Implemented	yes	Pour l'article 3§1: a) pour la mise à exécution d'une décision de confiscation : les magistrats et officiers du ministère public;	La France n'a effectué aucune déclaration au titre de l'article 7, paragraphe 2 de la décision-cadre (see doc.: 17038/10	french

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			b) pour la réception d'une demande de confiscation : les procureurs de la République territorialement compétents. (see doc.: 17038/10 COPEN 272)	COPEN 272)	
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IRELAND					
ITALY					
CYPRUS					
LATVIA	Implemented	yes	<p><u>Competent authority as executing State:</u> any district (city) court</p> <p><u>Competent authority as issuing State:</u> any court</p> <p><u>Central authority:</u> Tieslietu ministrija (Ministry of Justice) Brīvības bulv. 36 - Rīga LV-1536 Latvia tel.: +371 67036801 +371 67285575 fax: +371 670720823 e-mail: tm.kanceleja@tm.gov.lv</p> <p><u>(see doc. 15586/09)</u></p>		latvian
LITHUANIA					

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LUXEMBOURG				will not recognise/execute (see 13075/06 COPEN 98)	
HUNGARY	Implemented official notification containing relevant declarations and transmitting the national legislation not yet submitted to GSC				
MALTA	Implemented	yes	Office of the Attorney General The Palace Valletta , Malta Tel: +356 2568 3144 Fax: +356 2568 3103 E-mail: agmla.mjha@gov.mt (doc.: 16711/10 COPEN 263)		maltese/english
THE NETHERLANDS	implemented	yes	Centraal Justitiele Incassobureau Afdeling Executie Grensoverschrijdende Sancties Centrale Autoriteit Postbus 185 8900 AD Leeuwarden		english and dutch and all other official EU languages if together with a EN translation

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			T: 0031 (0) 58 - 253 3700 Fax: 0031 (0) 58 - 253 3030 centralauthority@cjib.minjus.nl (see doc. 12709/09)		
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AUSTRIA	implemented	yes	<p><u>Austria as the issuing state:</u> district courts (Bezirksgerichte) and the regional courts (Landesgerichte)</p> <p><u>Austria as the executing state:</u> regional courts (Landesgerichte)</p> <p>(for a detailed list see 5880/08 COPEN 18)</p>	will not recognise/execute (see 5880/08 COPEN 18)	German. Certificates in other languages will be accepted on a reciprocal basis (see 5880/08 COPEN 18)
POLAND	implemented	yes	<p>- <u>Issuing state:</u> the regional and district courts with territorial jurisdiction; - <u>Executing state:</u> the district courts with territorial jurisdiction</p> <p><u>Authority responsible:</u> Ministerstwo Sprawiedliwości Rzeczypospolitej Polskiej Departament Współpracy Międzynarodowej i Prawa Europejskiego Aleje Ujazdowskie 11, 00-950 Warsaw, Poland Tel. +48 22 2390 870 Fax +48 22 6280 949</p>	will not recognise / execute (see 5314/10 COPEN 10)	

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			e-mail dwm@ms.gov.pl www http://www.ms.gov.pl (see doc. 5314/10)		
PORTUGAL	implemented	yes			

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ROMANIA	implemented	yes	<p><u>executing authorities:</u> district courts in the circumscription of which the property which has to be confiscated are:</p> <p>Ministry of Justice Direcția Drept Internațional și Cooperare Judiciară (Directorate of International Law and Judicial Cooperation) Serviciul Cooperare judiciară internațională în materie penală (Division for international judicial cooperation in criminal matters) Strada Apolodor 17, Sector 5 București, Cod 050741 Tel: 0040 37204 1077 (director office) 0040 37204 1082 (Division for international judicial cooperation in criminal matters) Fax: 0040 37204 1079 E-mail: dreptinternational@just.ro (see docs.16284/08, 6453/09)</p>		Romanian (see 16284/08 COPEN 236)
SLOVENIA	implemented	yes	District courts and Local courts	will not recognise/execute	Slovenian or English

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			(for details + list see 13203/08 COPEN 164)	(see 13203/08 COPEN 164)	(see 13203/08 COPEN 164)
SLOVAKIA					
FINLAND	implemented	yes	<u>Competent authority</u> Legal Register Centre : Address: Legal Register Centre Linnankatu 3b P.O. Box 157 FI-13101 Hämeenlinna Finland Tel. +358 10 36 65631 Fax +358 10 36 65703 e-mail : oikeusrekisterikeskus@om.fi (see doc. 7732/09)		Finnish, swedish and English. Finland may also accept certificates provided in a different language if there are no obstacles for such acceptances
SWEDEN	Sweden is in the final stage of drafting a bill to the Swedish Parliament. It is foreseen that the Swedish legislation will enter into force on 1 July 2011				
UNITED KINGDOM					