



**COUNCIL OF
THE EUROPEAN UNION**

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**COPEN 143
EUROJUST 94
EJN 53**

NOTE

from:	General Secretariat
to:	Delegations
Prev. doc.	16921/1/10 REV 1 COPEN 268 EJN 69 EUROJUST 136
Subject:	Implementation of the Framework Decision of the Council of the European Union of 22 July 2003 (2003/577/JHA) on the execution in the European Union of orders freezing property or evidence - Information provided to the General Secretariat

Delegations will find attached updated information about the state of play of the implementation of the Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence.

The information provided in the table is up-to-date as at 14 May 2014.

**FRAMEWORK DECISION 2003/577/JHA OF 22 JULY 2003
ON THE EXECUTION IN THE EU OF ORDERS FREEZING PROPERTY OR EVIDENCE**

	STATE/DATE OF IMPLEMENTATION OF FRAMEWORK DECISION 2003/577/JHA	COMPETENT AUTHORITY TO RECEIVE THE FREEZING ORDERS	LANGUAGES ACCEPTED FOR CERTIFICATES PURSUANT TO ARTICLE 9(3)
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ANNEX

BELGIUM	Implemented Entry into force of legislation: 17 September 2006 Transmission of national legislation to the GSC: yes Declaration made pursuant to Article 9(3): yes ¹	Public Prosecutor ²	French, Dutch, German and English
BULGARIA	Implemented Transmission of national legislation to the GSC: yes Entry into force of legislation : 25 July 2006 (on the third day after its promulgation)	Sofia City Court	Bulgarian
CZECH REPUBLIC	Implemented Entry into force of legislation: 1 July 2006 Transmission of national legislation to the GSC: yes Declaration made pursuant to Article 9(3): yes ³	The Prosecutor of the Regional Prosecutor's office (including Prague Municipal Prosecutor's Office) within which region is the property concerned by the freezing order situated ⁴	Czech (Certificats from Slovakia in Slovak and from Austria in German providing that reciprocity is granted)
DENMARK	Implemented (Act nr. 1434 of 22.12.2004) Transmission of national legislation to the GSC: yes	Local Chief of Police Local Prosecutor	Danish

¹ See 14228/06 COPEN 109 EJM 25 EUROJUST 49.

² A detailed list of competent authorities is set out in 14288/06 COPEN 109 EJM 25 EUROJUST 49.

³ See 11811/06 COPEN 83.

⁴ A detailed list of competent authorities is set out in 11811/06 COPEN 83.

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GERMANY	Implemented (Act of 6 June 2008) Entry into force of legislation: 30 June 2008 Transmission of national legislation to the GSC: yes Declaration made pursuant to Article 9(3): yes ¹	State prosecutor	German and Official language of other member States which accept freezing orders in German
ESTONIA	Implemented Transmission of national legislation to the GSC: yes Entry into force of legislation : 19 June 2008	Estonian Prosecutor General's Office	Estonian, English
GREECE	Draft Bill		
SPAIN	Implemented Entry into force of legislation: 7 June 2006 Transmission of national legislation to the GSC: yes	The examining magistrate ("Juez de instrucción") in which jurisdiction the property or evidence is located, and public prosecutors for those freezing evidence orders within their competence.	Spanish
FRANCE	Implemented (Act nr. 2005-750 of 4.7.2005) Adoption of legislation: July 2005 Transmission of national legislation to the GSC: yes	prosecutors, investigating magistrates, judges for liberties and detention according to internal rules of competence and depending on the purpose of the request	French

¹ See 9309/109 COPEN 80 EJM 26 EUROJUST 25

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IRELAND	Implemented: Criminal Justice (Mutual Assistance) Act 2008. Entry into force of legislation: 1st September 2008 . Transmission of national legislation to the GSC: no ¹	Mutual Assistance and Extradition Division, Department of Justice, Equality and Law Reform, Pinebrook House, 71-74 Harcourt Street. Dublin 2, Ireland. Tel:- + 353 1 6028589, 6028535, 6028605 Fax:- + 353 1 6028606	Irish, English
ITALY	Legislative work ongoing		
CYPRUS	Implemented Entry into force of legislation: 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.	Unit of Combating Money Laundering (MOKAS), Attorney General's Office (Orders freezing property) Tel: +357 22446018, 22446004 Fax: +357 22317063 E-mail: mokas@mokas.law.gov.cy	Greek, English

¹ 17405/08 COPEN 255 EJM 88 EUROJUST 115.

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LATVIA	Implemented. Entry into force of legislation : 1 January 2008. Transmission of national legislation to the GSC: yes Declaration made pursuant to Article 9(3): yes ¹	General Prosecutor's Office Kalpaka bulvāris 6, Rīga, LV-1801 Latvija tel.: +371 67044400 fax: +371 67044449 e-mail: gen@lrp.gov.lv	Latvian and English (D)
LITHUANIA	Implemented. Entry into force of legislation: 21 July 2007 Transmission of national legislation to the GSC: yes Declaration made pursuant to Article 9(3): yes ²	General Prosecutor's Office Rinktinės str. 5A, LT-01515 Vilnius, Lithuania Tel. 370 5 266 2305, fax 370 5 266 2317 E-mail: generaline.prokuratura@prokuraturos.lt	Lithuanian and English (D)
LUXEMBOURG			

¹ See 13688/08 COPEN 177 EJM 63 EUROJUST 83

² See 8548/08 COPEN 79 EJM 32 EUROJUST 38

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HUNGARY	Implemented Entry into force of legislation: 5th November 2005 Transmission of national legislation to the GSC: yes Declaration made pursuant to Article 9(3): yes ¹	Judicial authorities (prosecution offices and courts)	Hungarian
MALTA	Implemented Entry into force of legislation: 7 December 2007 Transmission of national legislation to the GSC: yes	Attorney General's Office The Palace Valletta, Malta Tel: +356 2568 3144 Fax: +356 2568 3103 E-mail: agmla.mjha@gov.mt	Maltese and English

¹ See 11960/05 COPEN 135 EJM 53 EUROJUST 60.

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THE NETHERLANDS	Implemented (law adopted on 16.6.2005) Entry into force of legislation: 1.8.2005 Declaration made pursuant to Article 9(3): yes ¹	International Legal Assistance Centres (competent authorities: prosecutors and investigating judges) ²	Dutch, English

¹ See 11730/05 COPEN 127 EJM 46 EUROJUST 50.

² A detailed list of competent authorities is set out in 11729/05 COPEN 126 EJM 45 EUROJUST 49.

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AUSTRIA	Implemented Entry into force of legislation: 2.8.2005 Declaration made pursuant Article 9(3): yes ¹ Transmission of national legislation to the GSC: yes	Regional Court ("Gerichtshof erster Instanz") ²	German, other languages on the basis of reciprocity
POLAND	Implemented (law adopted on 7.7.2005) Entry into force of legislation: 2.8.2005 Transmission of national legislation to the GSC: yes	- At trial stage: District Court ("sąd rejonowy") - At pre-trial stage: Circuit Prosecutor Office ("prokuratura okręgowa") ³	Polish
PORTUGAL	Implemented Entry into force of legislation : 5 June 2009		

¹ See 16187/06 COPEN 123 EJM 27 EUROJUST 54

² A detailed list of the Austrian competent authorities is set out in 16187/06 COPEN 123 EJM 27 EUROJUST 54

³ A detailed list of Polish competent authorities is set out in 7199/06 COPEN 23 EJM 5 EUROJUST 10.

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<u>ROMANIA</u>	Law No 222 of 24 October 2008 Entry into force of legislation: 13.11.2008 Transmission of national legislation to the GSC: yes	Ministry of Justice Directorate for 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	Romanian
<u>SLOVENIA</u>	Implemented Entry into force of legislation: 25.11.2007 Declaration made pursuant Article 9(3): yes ¹	Investigating judges at district courts ²	<u>Slovenian and English</u> (see doc.: 17989/13 COPEN 250 EUROJUST 151 EJM 82)

¹ See 8549/08 COPEN 80 EJM 33 EUROJUST 39

² A detailed list of Slovenian competent authorities is set out in 8549/08 COPEN 80 EJM 33 EUROJUST 39.

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SLOVAKIA	Implemented Entry into force of legislation: 1/1/2006	District prosecutors	Slovak
FINLAND	Implemented Entry into force of legislation: 2.8.2005 Declaration made pursuant Article 9(3): yes ¹	Same prosecutors as for EAW ²	Finnish, Swedish, English or a translation in one of those languages. The competent prosecutor may also accept a certificate provided in a different language if there are no obstacles to such acceptance.

¹ See 12022/05 COPEN 138 EJM 54 EUROJUST 62.

² A detailed list of competent authorities is set out in 12022/05 COPEN 138 EJM 54 EUROJUST 62.

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SWEDEN	Implemented Entry into force of legislation: 1.7.2005 Transmission of national legislation to the GSC: yes Declaration made pursuant Article 9(3): yes ¹	The public prosecutors at the international public prosecution offices are competent within their regions to deal with cases on freezing. Some specially authorized prosecutors at the Swedish Economic Crimes Authority are also competent to deal with cases concerning qualified economic criminality. Outside office hours regular duty and stand-by prosecutors are competent to handle cases on freezing. ²	Swedish, Danish, Norwegian, English

¹ See 11191/05 COPEN 107.

² A detailed list of competent authorities is set out in 11728/05 COPEN 125 EJA 44 EUROJUST 48.

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UNITED KINGDOM	<p>Implemented those parts of the FD relating to the freezing of evidence.</p> <p>Work to implement the Framework Decision in relation to property is ongoing. Strong legislation is already in place which provides for international co-operation in both the freezing and confiscation of criminal assets. (Part 11 of The Proceeds of Crime Act 2002, and supporting Orders in Council).¹</p>	<p>Freezing order together with the certificate must be sent to:</p> <p>For England, Wales and Northern Ireland: UK Central Authority Home Office 5th Floor Fry 2 Marsham Street London SW1P 4DF</p> <p>For Scotland: International Co-operation Unit Crown Office 25 Chambers Street Edinburgh EH1 1LA</p>	<p>English or accompanied by an English translation.</p>

¹ See 5254/10 COPEN 3 EJM 1 EUROJUST 7.