



**COUNCIL OF
THE EUROPEAN UNION**

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9549/14

**COPEN 142
EUROJUST 93
EJN 52**

NOTE

From :	General Secretariat
To :	Delegations
Prev. doc.	17458/13 COPEN 231 EJN 76 EUROJUST 139
Subject :	Implementation of the Framework Decision of the Council of the European Union of 24 February 2005 (2005/214/JHA) of the application of the principle of mutual recognition to financial penalties - Information provided to the General Secretariat

Delegations will find attached updated information about the state of play of the implementation of the Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.

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

Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

ANNEX

	State/date of implementation of Framework Decision	Transmission of National Legislation	Notification re Article 2(1) Competent Authorities	Notification of Article 16 Languages
<u>BELGIUM</u>	Implemented Entry into force of legislation : 14 April 2012	YES	<u>FEDERAL PUBLIC SERVICE JUSTICE</u> <u>Directorate General for Legislation, Fundamental Rights and Freedoms</u> <u>Central Authority for International Cooperation in Criminal Matters</u> <u>Boulevard de Waterloo 115</u> <u>1000 Brussels</u> <u>Belgium</u> Fax: + 32 2 512 71 99 (see: 15548/13 COPEN 1763 EUROJUST 99 EJM 68)	Dutch, French, German or English
BULGARIA	Implemented Entry into force of legislation : 27 February 2010	YES	1/ When Bulgaria is executing state: The District Court (for Sofia district – the Sofia City court) of the domicile or habitual residence of the person, and for legal entities - of their registered seat, management address or address for correspondence.	Bulgarian

Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

	State/date of implementation of Framework Decision	Transmission of National Legislation	Notification re Article 2(1) Competent Authorities	Notification of Article 16 Languages
			<p>If the domicile or habitual residence of the person, and for legal entities - their seat, registered office or address for correspondence in the territory of the Republic of Bulgaria are not stated in the certificate, the decision imposing a financial penalty shall be recognised by the District Court of the location of the property or the place of the source of the income of the person concerned.</p> <p>2/ When Bulgaria is issuing state the competent authorities are:</p> <p>a) Court decisions: The Regional or District Court which has ruled the decision at first instance.</p> <p>b) Penal decrees (decisions, issued by an authority other than a court in respect of infringements of the rules of law): The National Revenue Agency <i>NATIONAL REVENUE AGENCY</i> <i>Address: Dondukov boulevard 52, Sofia, Bulgaria,</i> <i>Information centre – 0700 18 700, e-mail: infocenter@nra.bg</i></p>	

Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

	State/date of implementation of Framework Decision	Transmission of National Legislation	Notification re Article 2(1) Competent Authorities	Notification of Article 16 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 15219/10 COPEN 228 EUROJUST 115 EJM 54.</p> <p>3/ Central authority: 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 Bulgaria, shall be the Ministry of Justice.</p> <p>MINISTRY OF JUSTICE Address: 1040 Sofia, "Slavyanska" Street 1 Fax: + 359 2 980 92 22, Tel.: + 359 2 9237 545, + 359 2 9237 466 e-mail: n_hringova@justice.government.bg</p>	

Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

CZECH REPUBLIC	<p>Implemented</p> <p>Entry into force of legislation : 1 January 2008</p>	YES	<p>1/ Czech Republic is the issuing State : all courts (district courts, area courts, regional courts, high courts, Prague Municipal Court, Brno Municipal Court and the Supreme Court);</p> <p>2/ Czech Republic is the executing State : - the locally competent district courts - the regional courts decide on appeals.</p> <p>Where the Czech Republic is the executing State, the authority competent for the reception of decisions together with certificates from other Member States, and for the procedure for recognition and execution, is the district court within whose area the sentenced person against whom the decision is directed has or had his or her last place of permanent residence, or is staying; otherwise the competent authority is the district court within whose area the sentenced person owns property. The contact details of the district courts are set out in Annexes 2 and 3. (See: 14900/12 COPEN 224 EUROJUST 95 EJM 78)</p>	<p>The Czech Republic accepts certificates drawn up in Czech or accompanied by a translation into Czech. In relation to the Slovak Republic, the Czech Republic accepts certificates drawn up in Slovak.</p> <p>(See: 14900/12 COPEN 224 EUROJUST 95 EJM 78)</p>
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Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

DENMARK	Implemented Entry into force of legislation : 1 January 2005	YES	Justitsministeriet Slotsholmsgade 10 1216 København K Denmark Phone: +45 7226 8400 Fax: +45 3392 2689 E-mail: jm@jm.dk (See : 10909/07 COPEN 97)	Danish (See : 10909/07 COPEN 97)
GERMANY	Implemented Entry into force of legislation : 28 October 2010	YES	Bundesamt für Justiz Adenauerallee 99-103 53113Bonn E-mail: EU-Geldsanktionen@bfj.bund.de (doc.: 17526/10 COPEN 282 EUROJUST 142 EJM 73)	German
ESTONIA	Implemented Entry into force of legislation : 28 July 2008	YES	Both, as the issuing state and as the executing state: Ministry of Justice Tõnismägi 5a Tallin 15191 Estonia Tel: +372 620 81 00 E-mail: info@just.ee See 14381/08	Estonian or English

Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

GREECE				
SPAIN	<p>Implemented</p> <p>Entry into force of legislation : 24 December 2008</p>	YES	<p>The competent authority where Spain is the issuing state:</p> <ul style="list-style-type: none"> – The Criminal court responsible for enforcing the decision in Spain <p>The competent authority where Spain is the executing state:</p> <ul style="list-style-type: none"> – The Juzgado de lo Penal (first instance criminal court) criminal court which has jurisdiction over the place where the properties or sources of income, or the usual place of residence, of the natural person or the registered office of the legal person to whom/which the decision applies are located. <p>See 6448/09</p>	Spanish

Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

FRANCE	Implemented Adoption of legislation : 5 March 2007 and 3 May 2007	YES	<ul style="list-style-type: none"> – for the issuing of financial penalties, the prosecutors (magistrats) and officials of the public prosecutor's office; – for the execution of financial penalties, the public prosecutors (procureurs de la République) with territorial jurisdiction. See 11080/07 COPEN 102	French
IRELAND				
ITALY	(Draft bill)			(Italian)
CYPRUS	Implemented Entry into force of legislation : 2007	yes	Υπουργείο Δικαιοσύνης και Δημοσίας Τάξεως Μονάδα Διεθνούς Νομικής Συνεργασίας Λεωφόρος Αθαλάσσης 125 1461 Λευκωσία Κύπρος Τηλ.: +357 22805928 Fax : +357 22518328 e-mail : emorphaki@mipo.gov.cy registry@mipo.gov.cy See 16239/08 COPEN 232	Greek or Turkish or English

Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

LATVIA	<p>Implemented</p> <p>Entry into force of legislation : 29 July 2008</p>	YES	<p>Competent authority in the executing State: City (District) Court</p> <p>Competent authority in the issuing State: Any court or the public prosecutor's office</p> <p>Central authority: Ministry of Justice Tieslietu ministrija (Ministry of Justice) Brīvības bulv. 36 - Riga LV-1536 Latvia tel.: +371 67036801 +37167036716 fax: +3716720823 e-mail: tm.kanceleja@tm.gov.lv</p> <p>See 14385/08</p>	Latvian or English
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Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

LITHUANIA	<p>Implemented</p> <p>Entry into force of legislation :</p> <p>1 March 2008 and 21 March 2008</p>	YES	<p>Executing state:</p> <p>District courts of the place where the natural or legal person on whom a financial penalty has been imposed is resident or has its registered seat.</p> <p>Where the natural person on whom a financial penalty has been imposed has no residence in the Republic of Lithuania or the legal person has no registered seat in the Republic of Lithuania, the financial penalty is recognised by the district court of the place where the property or the principal part thereof from which recovery may be sought is located.</p> <p>Issuing state:</p> <p>Courts of general competence (district courts, county courts, the Court of Appeals of Lithuania and the Supreme Court of Lithuania)</p>	Lithuanian and English
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Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

			<p>Contact details and activity territories of the courts of the Republic of Lithuania may be found in ANNEX to doc 11926/13 COPEN 102 EUROJUST 51 EJM 41.</p> <p>The Ministry of Justice of the Republic of Lithuania Gedimino pr. 30/1, LT 01104, Vilnius, Lithuania. Tel. (370) 5266 2933 Fax (370) 5262 5940</p> <p>Is the <i>central authority</i> responsible for the administrative transmission and receipt of decisions and for assistance to competent authorities only when it is impossible to identify which authority is the executing competent authority.</p>	
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Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

LUXEMBOURG	Implemented Entry into force of legislation : 23 February 2010	YES	Competent authority as issuing and as executing state: Parquet Général Cité Judiciaire Bâtiment CR Bureau CR 4.22 L-2080 Luxembourg Tél.: +352 47 59 81 - 329 ou 393 Fax: + 352 47 05 05 parquet.general@justice.etat.lu	
HUNGARY	Implemented Entry into force of legislation : 12 April 2007	YES	Regarding criminal offences where financial penalties are imposed Hungary has not designated any central authority. issuing authority: courts executing authority: courts (the residence of the defendant, the headquarter of the legal person, or in absence of these the location of the property subject to execution substantiate the jurisdiction of the <i>local court located at the seat of the county court, or, in Budapest the Buda Central District Court.</i>) Regarding administrative offences where fine is imposed the National Police Headquarters was designated by Hungary as the central authority for legal assistance in execution, i.e. in receiving and forwarding the legally binding decision imposing the fine. See 6356/2/09 REV 2 COPEN 31	Hungarian

Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

MALTA	<p>Implemented.</p> <p>The legislation entered into force on 6 November 2009 and started to apply to decisions issued after the 22 March 2007</p>	YES	<p>Court of Criminal Jurisdiction</p> <p>(see doc.: 5466/11 COPEN 5 EUROJUST 5 EJM 2)</p>	Maltese or English
THE NETHERLANDS	<p>Implemented</p> <p>Entry into force of legislation: 1 December 2007</p>	Yes	<p>Public prosecutor at the Leeuwarden District Public Prosecutor's Office. Competent authority responsible for the administrative transmission and reception of the decisions: Centraal Justitiele Incassobureau Europese geldelijke sancties P.O. Box 185, 8900 AD Leeuwarden tel. +31 (0)58 2533700</p> <p>mail: centralauthority@cjib.minjus.nl See doc. 5388/08 COPEN 6</p>	<p>Dutch or English, certificates in another official language of the Member States of the European Union will be accepted on condition that they are accompanied by a translation into English.</p> <p>See doc. 5388/08 COPEN 6</p>

Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

AUSTRIA	<p>Implemented</p> <p>Entry into force of legislation : 1 July 2007</p>	YES	<p>1/ The regional court within whose district the natural or legal person against whom the decision has been made is permanently or otherwise resident. A list of competent regional courts and their addresses is given in Annex II to doc 7026/1/08 REV 1 COPEN 39</p> <p>2/ The authority competent for enforcement is the district administrative authority that has jurisdiction <i>ratione loci</i> (district chief officers' departments or bodies of cities with a status of their own) although in matters falling within the substantive sphere of activity of the state police departments within a local administrative area for which the state police department is at the same time the security authority of first instance, it is the state police department.</p> <p>A list of competent district administrative authorities and federal police departments and their addresses is given in Annex II to doc 10816/13 COPEN 95 EUROJUST 45 EJM 39.</p>	<p>The certificate must be sent, together with the decision, to the district administrative authority or state police department within whose district the natural or legal person against whom the decision has been made is permanently or otherwise resident (or, in the case of a legal person, has its registered office), possesses assets or receives income.</p> <p>See: 10816/13 COPEN 95 EUROJUST 45 EJM 39</p>
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Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

POLAND	<p>Implemented</p> <p>Entry into force of legislation: 18 December 2008</p>	Yes	<p>1. acting as issuing authority: competent regional and district courts.</p> <p>2. acting as executing authority: competent district courts.</p> <p>A list of competent district administrative authorities and federal police departments and their addresses is given in Annex III to doc 17227/10 COPEN 277 EJM 76 EUROJUST 145.</p>	Polish
PORTUGAL	<p>Implemented</p> <p>Entry into force of legislation: 1st November 2009</p>	YES	<p>1. Acting as issuing authority:</p> <p>a) The Court which has pronounced the decision; or</p> <p>b) When the decision has been taken by an administrative authority, the Court competent for its execution.</p> <p>2. Acting as executing authority:</p> <p>a) The Court of the habitual residence area or of registered office whether the person concerned is a physical or legal person;</p> <p>b) If the habitual residence or registered office is not known, the Court of the location of the property or of the place of the source of the income of the person concerned.</p>	Portuguese. Certificates in another official language of European Union institutions will be accepted if Portugal declares so.

Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

<p><u>ROMANIA</u></p>	<p>Implemented Entry into force of legislation: 13 November 2008</p>	<p>YES</p>	<p><u>Ministry of Justice</u> <u>Directorate of International Law and Judicial Cooperation</u> <u>Division for international judicial cooperation in criminal matters</u> <u>Strada Apolodor 17, Sector 5 București, Cod 050741</u> <u>Tel: +40 37 204 1077</u> <u>+40 37 204 1085</u> <u>Outside office hours:</u> <u>+40 733 737 769</u> <u>Fax: +40 37 204 1079/84</u> <u>E-mail: centralauthority_copen@just.ro</u></p> <p><u>(see doc.: 5772/14 COPEN 26 EJM 18 EUROJUST 21)</u></p>	
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Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

<u>SLOVENIA</u>	Implemented Entry into force of legislation: 25 October 2007	YES	<u>District Courts</u> (for a detailed list: see: 5505/14 COPEN 13 EUROJUST 9 EJM 8)	<u>Slovenian. The Republic of Slovenia will also accept certificates translated into English.</u> (see: 5505/14 COPEN 13 EUROJUST 9 EJM 8)
<u>SLOVAKIA</u>	Implemented Entry into force of legislation: 1 August 2011	YES	The competent authority for proceedings concerning the recognition and enforcement of decisions on financial penalties handed down by a court in the issuing State is the regional court within the territory of which the place of residence or registered seat of the person required to pay the penalty in question is situated. If the place of residence or registered seat of the person concerned is not situated on the territory of the Slovak Republic, Bratislava Regional Court is competent for the proceedings. The competent authority for proceedings concerning the recognition and enforcement of a decision on financial penalties handed down by an administrative body in the issuing State is Bratislava I District Court. The competent authorities for issuing a decision on financial penalties are all courts in the Slovak Republic. (see 10842/12 COPEN 134 EUROJUST 52 EJM 40)	<u>In Slovak, or accompanied by a translation into Slovak. The Slovak Republic will accept certificates pursuant to this legal act in respect of the Czech Republic in Czech.</u> (see: 6883/14 COPEN 63 EUROJUST 43 EJM 32)
<u>FINLAND</u>	Implemented	YES	<u>Legal Register Centre :</u> <u>Address: Legal Register Centre</u>	<u>Finnish, Swedish or English. Finland may also</u>

Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

	Entry into force of legislation: 22 March 2007		<u>Vanajantie 10 A</u> <u>P.O. Box 157</u> <u>FI-13101 Hämeenlinna</u> <u>Finland</u> <u>Tel. +358 29 56 65631</u> <u>Fax +358 29 56 65782</u> <u>e-mail : oikeusrekisterikeskus@om.fi</u> <u>(see: 5817/14 COPEN 31 EUROJUST 25 EJM 22)</u>	accept certificates provided in a different language if there are no obstacles for such acceptances. (see 7965/07 COPEN 40)
SWEDEN	Implemented Entry into force of legislation: 30 December 2009	YES	Address of the Competent Authority: Kronofogdemyndigheten (The Swedish Enforcement Authority) Östra enheten 5 106 65 Stockholm SWEDEN Tel.: +46 10 578 3070 Fax: +46 10 578 3390 E-mail: kronofogdemyndigheten@kronofogden.se (see 16720/10 COPEN 264)	Swedish, Danish, Norwegian or English (see 16720/10 COPEN 264)

Council Framework Decision 2005/214/JHA of 24 February 2005 of the application of the principle of mutual recognition to financial penalties

UNITED KINGDOM	Implemented Entry into force of legislation: 1 October 2009	YES	As issuing and executing state: - A magistrates' court (England and Wales) - A sheriffs court or JP Court (Scotland) - The Crown Court, a magistrates' court and any appellate court (Northern Ireland) (see 16457/09 COPEN 234)	English
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