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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	5281/20
Subject:	Implementation of 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

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Delegations will find attached for information a revised table concerning the implementation of Council 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 is based on notifications by Member States to the Council General Secretariat, to which reference is made in the last column of the table.

In accordance with Article 22, the Framework Decision should have been implemented by 24 November 2008.

According to the information received, all 27 Member States (BE, BG, CZ, DK, DE, EE, EL, ES, FR, HR, IE, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI and SE) have implemented the Framework Decision in their national legal order and have made the necessary notifications/declarations.<sup>1</sup>

The information in the table is a summary of the notified information: delegations are invited to consult the documents referred to in the last column in order to obtain more detailed information.

The information provided in the table is up-to-date as at 17 June 2021. Any comments or suggestions for improvement should be sent [to steven.cras@consilium.europa.eu](mailto:to steven.cras@consilium.europa.eu).

Please note that all information relating to the implementation of the Framework Decision can also be found on the [website](#) of the European Judicial Network (EJN).

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<sup>1</sup> In respect of certain Member States, some information is missing.

<b>Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders</b>					
<b>Member State</b>	<b>State/date of implementation of Framework Decision</b>	<b>Notification re Article 3  (Competent authorities)</b>	<b>Notification re Article 7(5)  (Extended powers of confiscation)</b>	<b>Notification re Article 19(2)  (Languages)</b>	<b>Notification re Article 22(2)  (Implementation)  + Doc. Nr</b>
AUSTRIA	Implemented Entry into force of legislation : 1 July 2007	AT as issuing state: district courts (Bezirksgerichte) and the regional courts (Landesgerichte) AT as executing state: regional courts (Landesgerichte) (for a list see doc. 5880/08)	Will not recognise/execute	German. Certificates in other languages will be accepted on a reciprocal basis	YES 5880/08
BELGIUM	Implemented Entry into force of legislation : 14 April 2012	BE as issuing state: prosecutors BE as executing state: prosecutors and courts Central authority: Federal Public Service Justice (see address in doc.15548/13)	Will not recognise/execute if the confiscation would not be possible under article 43quater of the Belgian criminal code.	Dutch French German English	YES 8994/12 + 15548/13
BULGARIA	Implemented Entry into force of legislation : 27 February 2010	BG as issuing state: regional and district courts. BG as executing state: district courts (and Sofia City court) Central authority: Ministry of Justice.	Will not recognise/execute	Bulgarian	YES 15217/10

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CROATIA	Implemented as part of the acquis - 1 July 2013	<p>HR as executing State:</p> <p>a) 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);</p> <p>b) the county courts.</p> <p>HR as issuing State:</p> <p>competent courts under national law (list provided in doc. 12335/14 ANNEX II)</p>	Will not recognise/execute	Croatian; English (in urgent cases) on a reciprocal basis	YES 12335/14
CYPRUS	Implemented Entry into force of legislation: 25 June 2010	Unit for Combating Money Laundering (MOKAS), Attorney General's Office	(no notification)	Greek English	YES Doc ??

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CZECH REPUBLIC	Implemented Entry into force of legislation : 1 January 2009	CZ as issuing State: District, area and regional courts and Prague Municipal Court and Brno Municipal Court.  CZ as executing State: 1) The locally competent district and area courts. 2) The regional court decides on the legal remedies  See also particular info on the role of the Ministry of Justice and the Ministry of Finance in 12854/2/15 REV 2	Will not recognise/execute	Czech  With respect to the Slovak Republic the Czech Republic will accept certificates produced in Slovak.	YES 12002/09 12854/2/15 REV 2
DENMARK	Implemented Entry into force of legislation : 1 January 2005	DK as issuing and executing State: Ministry of Justice. (see address in 15970/09)	(no notification)	Danish	YES 15970/09
ESTONIA	Implemented Entry into force of legislation : 1 January 2015	EE as issuing state: prosecutors and courts EE as executing state: Harju County Court	(no notification)	Estonian English	(notification unofficially received, will officially be submitted soon)

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FINLAND	Implemented Entry into force of legislation : 24 November 2008	FI as issuing and executing State:  Legal Register Centre (for contact details see doc. 5817/14)	(no notification)	Finnish Swedish English.  Other language also accepted if there are no obstacles	YES  5817/14
FRANCE	Implemented Adoption of legislation: 9 July 2010	FR as issuing State : Public prosecutors and other agents of the prosecution FR as executing State: The territorially competent public prosecutors	(no notification)	French	YES  17038/10

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GERMANY	Implemented Entry into force of legislation : 22 October 2009	DE as issuing State: Prosecution services are competent for forwarding certificates. The courts are authorised to forward certificates if the confiscation order relates to an act committed when the person convicted was under 21 years of age.  DE as executing State: Prosecution services at the district court, except in the Land of Berlin, where the Senate Department for Justice is the competent authority.	Will not recognise/execute	German and official languages of other Member States which accept confiscation orders in German	YES 17509/10
GREECE	Implemented Entry into force of legislation : 1 March 2018	EL as issuing and executing State: Public Prosecutor of the Appeal Court.	(no notification)	Greek English	YES 5938/20
HUNGARY	Implemented Entry into force of legislation : 8 January 2009	HU as issuing and executing State: Competent courts	(no notification)	Hungarian	YES Doc ??

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IRELAND	Implemented Entry into force of legislation : 1 February 2016	The Minister for Justice and Equality or the person duly authorised by the Minister acts in respect of decisions on requests for recognition of confiscation measures.  Decisions on execution of such measures - including any adjustment of the measures - are taken by the courts.	(no notification)	Irish English	YES 9102/16
ITALY	Implemented Entry into force of legislation : 17 September 2015	Italy as issuing authority: - public prosecutors Italy as executing authority: - courts of appeal Central authority: Ministry of Justice	Confiscation under extended powers of confiscation could be refused if there is no reciprocity.	Italian	YES 5254/20
LATVIA	Implemented Entry into force of legislation : 14 July 2009	LV as issuing State: any court LV as executing State: any district (city) court Central authority: Ministry of Justice (see contact details in doc. 15586/09)	(no notification)	Latvian	YES 15586/09



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LITHUANIA	Implemented Entry into force of legislation : 21 March 2013	LT as issuing State: courts of general jurisdiction LT as executing State: district courts Central authority: ministry of Justice (for contact details see 17911/13)	Will recognise/execute only when this is consistent with the law of LT	Lithuanian English	YES 17911/13
LUXEMBOURG	??	??	Will not recognise/execute	(no notification)	YES 13075/06
MALTA	Implemented Entered into force on: 22 October 2010	Office of the Attorney General  (see contact details in doc. 16711/10)	(no notification)	Maltese English	YES 16711/10
NETHERLANDS	Implemented Entry into force of legislation : 1 June 2009	Centraal Justitiele Incassobureau  (see contact details in doc. 12709/09)	(no notification)	Dutch English  and all other official EU languages if together with a EN translation	YES 12709/09

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POLAND	Implemented Entry into force of legislation : 5 February 2009	PL as issuing state: the regional and district courts with territorial jurisdiction; PL as executing state: the district courts with territorial jurisdiction	Will not recognise/execute	(no notification)	YES 5314/10
PORTUGAL	Implemented Entry into force of legislation : 30 September 2009	PT as issuing state: the courts PT as executing state: the district court (tribunal da comarca) in whose jurisdiction the property is located, or the court which first took cognizance of the confiscation order	(no notification)	(no notification)	YES 7856/20 ADD 1

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ROMANIA	Implemented Entry into force of legislation: 13 November 2008	RO as issuing State: the courts and tribunals  RO as executing State: district courts within whose jurisdictions the property to be confiscated is located  Central authority: Ministry of Justice (see further 6661/20)	RO will not recognise and execute confiscation orders under circumstances where such orders were issued under the (extended) powers of confiscation referred to in point (iv) of Article 2(d) if the method of confiscation mentioned in the confiscation order is not permitted under its domestic law	Romanian	YES  (16284/08) (6453/09) (5769/14) 6661/20
SLOVAKIA	Implemented Entry into force of legislation : 1 January 2017	SK as issuing State: the local court which took the decision at first instance.  SK as executing State: <i>Ministerstvo spravodlivosti Slovenskej republiky</i> <i>Župné námestie 13</i> <i>813 11 Bratislava</i>	SK will neither recognise nor execute confiscation orders in circumstances where such orders were issued under the extended powers of confiscation referred to in Article 2(d)(iv).	Slowak.  In respect of CZ, SK also accepts certificates in Czech.	YES  11484/17

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SLOVENIA	Implemented Entry into force of legislation : 25 October 2007	Local courts and District courts  (for details + list see doc. 5506/14)	Will not recognise/execute	Slovenian English	YES 5506/14
SPAIN	Entry into force of legislation : 21 November 2014	ES as issuing state: the Criminal Courts or Judges presiding over the enforcement of sentences where the confiscation of property is imposed as an additional consequence ES as executing state: the criminal court where the property is located or has been located initially.  In case of request concerning more items or in case of multiple requests - the criminal court that has received a request first.	Will not recognise/execute when the competent court considers that the confiscation order is incompatible with the fundamental rights and freedoms enshrined in the Spanish Constitution	Spanish	YES 8138/15 8721/15

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SWEDEN	Implemented Entry into force of legislation : 1 July 2011	SE as issuing and executing State: the Swedish Enforcement Authority (contact details in 17842/11)  From 1 July 2014, where Sweden is the executing State, its courts are also competent authorities in accordance with the Framework Decision.	Yes (from 1 July 2014)	Swedish Danish Norwegian English  (or in other languages, if accompanied by a translation in one of those languages)	YES 17842/11 12005/14