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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	7574/1/15 REV 1 and 14344/16
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 for information a 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). This 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, up to now 25 Member States (BE, BG, CZ, DK, DE, 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.¹ The UK has also implemented the Framework Decision.

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 [30 January] 2020. 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):

https://www.ejn-crimjust.europa.eu/ejn/EJN_Library_StatusOfImpByCat.aspx?l=EN&CategoryId=34

¹ From the EJM website, it appears that (some of) the Member States that have not yet provided notifications/declarations, have already implemented the Framework Decision:
EE: Amendments to the Criminal Procedure Code, mainly to the Chapter 19
No information yet regarding EL.

Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders					
Member State	State/date of implementation of Framework Decision	Notification re Article (Competent Authorities)	Notification re Article 7(5) (Extended powers of confiscation)	Notification re Article 19(2) (Languages)	Notification re Article 22(2) (Implementation) + Doc. Nr
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	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	15217/10

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

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) + Doc. Nr
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.	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)		Danish	15970/09

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

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)
DEUTSCHLAND/ 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 courts (<i>Landgerichte</i>), except in the Land of Berlin, where the Senate Department for Justice (<i>Senatsverwaltung für Justiz</i>) is the competent authority.	Will not recognise/execute	German and official languages of other Member States which accept confiscation orders in German	17509/10
ESTONIA					
ELLAS/GREECE					

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

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)
ESPANA/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	8138/15 + 8721/15

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)
FRANCE	Implemented Adoption of legislation: 9 July 2010	FR as issuing State : Public prosecutors and other agents of the prosecution (<i>magistrates et officiers du ministère public</i>) FR as executing State: The territorially competent public prosecutors (<i>procureurs de la République territorialement compétents</i>)	-	French	17038/10

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)
HRVATSKA / 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</p> <p>(list provided in doc. 12335/14 ANNEX II)</p>	Will not recognise/execute	Croatian; English (in urgent cases) on a reciprocal basis	12335/14

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)
IRELAND	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.		Irish English	9102/16
ITALY	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	5254/20
CYPRUS	Implemented Entry into force of legislation: 25 June 2010	Unit for Combating Money Laundering (MOKAS), Attorney General's Office		Greek English	??

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)
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)		Latvian	15586/09
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	17911/13
LUXEMBOURG	??		Will not recognise/execute		13075/06

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) + Doc Nr.
MAGYARORSZÁG HUNGARY	Implemented Entry into force of legislation : 8 January 2009	HU as issuing and executing State: Competent courts		Hungarian	Yes Doc ??
MALTA	Implemented Entered into force on: 22 October 2010	Office of the Attorney General (see contact details in doc. 16711/10)		Maltese English	16711/10
NETHERLANDS	Implemented Entry into force of legislation : 1 June 2009	Centraal Justitiele Incassobureau (see contact details in doc. 12709/09)		Dutch English and all other official EU languages if together with a EN translation	12709/09

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) + Doc Nr.
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	5880/08
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		5314/10
PORTUGAL	Implemented Entry into force of legislation : 31 August 2009				Yes ?? (Law 88/2009 of 31 August 2009)

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) + Doc. Nr
ROMANIA	Implemented Entry into force of legislation: 13 November 2008	RO as issuing State: No information RO as executing State: Ministry of Justice (for contact details see doc. 5769/14)	Will not recognise/execute if the method of confiscation mentioned in the confiscation order is not permitted in Romania under its domestic law	Romanian	16284/08 5769/14
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	Slovenia English	5506/14
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 Župné námestie 13 813 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.	11484/17

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)
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)		Finnish Swedish h English. Other language also accepted if there are no obstacles	5817/14
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)	17842/11 12005/14

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)
UNITED KINGDOM	Implemented Entry into force of legislation: 3 December 2014	UK as issuing State: Any prosecutor in the UK can forward orders made in UK by the courts relating to property in other Member States. UK as executing State: See the list of competent authorities in doc. 6637/15		English (or in other languages but accompanied by a certified English translation)	6637/15