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European Union

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NOTE

From:	General Secretariat of the Council
To:	Delegations

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Subject:	Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties - Notification made by Spain
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Delegations will find attached the notification made by Spain in relation to Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.

This notification is also included in doc 8138/15, comprising several notifications by Spain, but is distributed in this individual format at the request and for the convenience of delegations.

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

- In accordance with Article 20(5) of the Framework Decision, we hereby inform you that these obligations have been implemented under Title IX of Law 23/2014.
- In accordance with Article 2(1) of the Framework Decision, we hereby inform you that, pursuant to Article 174 of Law 23/2014, the authority competent to issue a decision requiring a financial penalty to be paid by a natural or legal person who possesses property or receives income in another Member State of the European Union will be the criminal court competent to execute it in Spain.

The authority competent to recognise and execute the decision requiring a financial penalty to be paid is:

- (a) Primarily, the Criminal Court for the place in which the sentenced person is resident or, in the case of legal persons, in which their registered office is located.
- (b) Alternatively, the Criminal Court for the place in which any of the immovable property belonging to the natural or legal person subject to the financial penalty is located.
- (c) Finally, the Criminal Court for the place in which any of the sentenced person's sources of income are located in Spain.

Should any of these circumstances change as a result of a change in the sentenced person's residence or registered office, the sale of the immovable property or a change in the sentenced person's sources of income, it will not result in loss of jurisdiction for the Criminal Court which ordered the recognition and execution of the decision requiring a financial penalty to be paid that was sent to Spain.

In the event that a single certificate refers to several people and one of those persons meets one of the criteria laid down in this section, the competent Criminal Court will be able to assume responsibility for execution of the decision in respect of all of the sentenced persons, without the need to split a single decision requiring a penalty to be paid between a number of persons.

- Pursuant to Article 2(2) of the Framework Decision and in accordance with Article 6(3) of Law 23/2014, the Ministry of Justice will be the central authority responsible for assisting the judicial authorities.
