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European Union

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NOTE

From:	Mr Declan Kelleher, Permanent Representative, Permanent Representation of Ireland to the European Union
On:	2 May 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

Subject:	Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders - Notification made by Ireland
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Dear Sir,

With regard to Council Framework Decision 2006/783/JHA on the application of principles of mutual recognition to confiscation orders (hereinafter "the Framework Decision"), the Ministry of Justice and Equality for Ireland hereby informs the Council and the Commission of the following:

1. Implementation in Irish law (Article 22)

Under Article 22(2) of the Framework Decision, Member States are to transmit to the Council and to the Commission the text of the provisions transposing into their national laws the obligations imposed on them under the Framework Decision.

The Framework Decision is transposed into Irish law by Act No 40 of 2015 (Criminal Justice) (Mutual Assistance) (Amendment) Act, amending Act No 7 of 2008 (Criminal Justice) (Mutual Assistance) Act.

A copy of the Acts is enclosed, together with a document which sets out in detail how the provisions of the Framework Decision correspond with the provisions which have been enacted¹.

It should be noted that the 2015 Act entered into force on 1 February 2016.

2. Declaration under Article 3 *Determination of Competent Authorities*

Ireland gives notice that 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.

On this basis the Ministry of Justice and Equality accordingly gives notice that it, the Director of Public Prosecutions and the courts are the competent authorities with regard to implementation of the Framework Decision in Ireland.

¹ Note from the Secretariat: this text is not attached to the current document, but is available upon request.

3. Declaration under Article 19 *Languages*

Ireland will accept request for confiscation in accordance with the Framework Decision provisions, either in Irish or in English languages.

(Complimentary close)

(s.) Declan Kelleher
