**Form 4**

**Information on partial recognition or full non-recognition of the decision on a financial penalty**

**(apart from full recognition and full execution)**

**Article 4, 7, 14 and 20 of Framework Decision 2005/214/JHA[[1]](#footnote-1)**

***Information from the executing State to the issuing State***

|  |
| --- |
| **a)**  **Authority of the executing State (Sender)**  Official name:………………………………………………………………………………………  Contact information:………………………………………………………………………………  **Authority of the issuing State (Addressee)**  Official name:……………………….……………………………………………………………..  Contact information:……………………………………………………………………………… |
| **b)**  **File reference of the executing State:……………………………….……..………………**  **File reference of the issuing State:…………… ……………………………………………** |
| **c)**  **Name of the person concerned: ……………………………….……..………………………**  **Date and place of birth: ……………………………….……..…………………………………**  **Place of residence: ……………………………….……..………………………………………**  **OR**  **Name of the legal person concerned: ……………………………….……..………………..**  **Registered seat: ……………………………….……..………………………………………….** |

|  |
| --- |
| **d.1) Decision about recognition and execution under Article 7**  refusal of recognition and execution.[[2]](#footnote-2) Date:……..………………  partial recognition and partial refusal of execution.[[3]](#footnote-3) Date: ……………………..  Prior consultation on refusal and/or partial recognition between the issuing and executing States took place:  no  yes – date:…………….…  **d.2) Partial recognition of the decision**  - the decision has been recognized for the amount in euro: ..…….  if applicable, in other national currency of the executing State: ……… BGN/HRK/CZK/GBP/HUF/PLN/RON/SEK  - type of financial penalty the recognition applies for   sum of money on conviction of an offence imposed in a decision -  amount of:……………  compensation imposed in the same decision for the benefit of victims -  amount of:…………..  sum of money in respect of the costs of court or administrative  proceedings leading to the decision - amount of:……….  sum of money to a public fund or victim support organisation, imposed  in the same decision - amount of:……….  **d.3) Ground for full or partial non-recognition, refusal**  Certificate provided for by Article 4 is \* [[4]](#footnote-4)  not available (Art. 7(1))  incomplete (Art. 7(1))  manifestly does not correspond to the decision (Art. 7(1)).  Decision against the sentenced person in respect of the same act  was given in the executing State (Art. 7(2)(a))  was given in another state than the issuing or the executing State  and has been executed (Art. 7(2)(a)).  In the case referred to in Article 5(3), the decision relates to an act which, under the law of the executing State, would not constitute an offence (Art. 7(2)(b)).  The execution of the decision is statute-barred according to the law of the executing State and the decision relates to acts which fall within the jurisdiction of that State under its own law (Art. 7(2)(c)).\*  The decision is related to acts which  are regarded by the law of the executing State as having been committed in whole or in part in the territory of the executing State or in a place treated as such (Art. 7(2)(d)(i)).  committed outside the territory of the issuing State, and the law of the executing State does not allow prosecution for the same offences when committed outside its territory (Art. 7(2)(d)(ii)).  Under the law of the executing State there is immunity which makes the execution of the decision impossible (Art. 7(2)(e)).  The decision has been imposed on a natural person who under the law of the executing State due to his or her age could not yet have been criminally liable for the acts in respect of which the decision was passed (Art. 7(2)(f)).  In case of a written procedure the person concerned was not, in accordance with the law of the issuing State, informed personally or via a representative, competent according to national law of his right to contest the case and of time limits for such a legal remedy (Art. 7(2)(g)).\*  The financial penalty is below EUR 70 or the equivalent to that amount (Art. 7(2)(h)).  The person did not appear in person at the trial resulting in the decision, wasn’t represented by a legal counsellor \* (Art. 7(2)(i)) and:  was not summoned in person in due time or by other means did not  receive official information of the scheduled date and place of that trial in  such a manner that it was unequivocally established that he or she was  aware of the scheduled trial, or  was not informed in due time that a decision may be handed down if he  or she does not appear for the trial, or  had not been served with the decision and informed of the right to a retrial,  or an appeal.  Refusal of recognition on the basis of Article 20(3) because of: \*  Violation of fundamental rights.  Infringement of the fundamental legal principles as enshrined in Article 6   of the Treaty.  **d.4) Other circumstances leading to non-recognition of the decision:**  In accordance with the law of the executing State the decision cannot be recognised on any of the following grounds (Article 4 (1)) :  the person concerned has deceased (date) …………………..  the person concerned has moved to another (Member) State (place)…………. (date) on ……..……..  the person concerned has moved to unknown address.  the person, of whom the personal data were transmitted, cannot be determined/found.\* |

\* means Prior consultation between the executing State and the issuing State is obligatory before referring to

such ground of refusal.

|  |
| --- |
| **e) As for the recognized financial penalty**  **e.1)**  **Payment authorized in instalments**  — date of the decision on authorizing payment in instalments:………………………  — payment plan (details on the dates and amounts):…………………………………  ……………………………………………………………………………………………….  **e.2)  Deduction of payment** (Article 14 (c))  — amount in euro: ..…….  if applicable, in other national currency of the executing State: ………  BGN/HRK/CZK/GBP/HUF/PLN/RON/SEK  — date: ………………………  recovered in whatever manner in the issuing State or other country (Article 9(2)).\*[[5]](#footnote-5)  **e.3)  Reduction of the amount of the financial penalty** (Article 14 (c))- the decision relates to acts which were not carried out within the territory of the issuing State. The acts fall within the jurisdiction of the executing State. Therefore the executing State has decided to reduce the amount of the financial penalty enforced to the maximum amount provided for acts of the same kind under its national law(Article 8(1)):  in euro: ..…….  if applicable, in other national currency of the executing State: ……… BGN/HRK/CZK/GBP/HUF/PLN/RON/SEK |
| **f) Closure of the file, if applicable**  **Herewith, the executing State declares that the present case is closed.** |
| **g) Other relevant additional information for the issuing State:** ………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………  ………………………………………………………………………………………………………… |
| **h) Signature of the authority of executing State and/or its representative.**  Name: ………………………………………………………………………………………………...  Post held (title/grade): ………………………………………………………………………………  Date: ………………………………………………………………………………………………….  Official stamp (if available) |

1. Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties (OJ L 76, 22.3.2005, p. 16) [↑](#footnote-ref-1)
2. If choosing this option, please fill out point d.3) [↑](#footnote-ref-2)
3. If choosing this option, please fill out point d.2) and d.3) [↑](#footnote-ref-3)
4. \* means Prior consultation between the executing State and the issuing State is obligatory before referring to such ground of refusal. [↑](#footnote-ref-4)
5. \* Prior consultation between the executing State and the issuing State is obligatory before deducting the already paid amount. [↑](#footnote-ref-5)