



Council of the
European Union

Brussels, 31 January 2020
(OR. en)

5254/20

COPEN 6
EUROJUST 3
EJN 3

NOTE

From:	Italian Delegation
To:	General Secretariat of the Council of the European Union
Subject:	Council Framework Decision 2006/783/JHA on the application of the principle of mutual recognition to confiscation orders
	- Notifications by Italy

Delegations will find in the Annex notifications by Italy under Articles 3(1), 3(2), 7(5) and 19 of the abovementioned Framework Decision.

The original texts are also reproduced.

These notifications were already submitted by Italy to the Council General Secretariat on 9 August 2017, but were by accident not earlier distributed in a Council document.

Notifications by Italy under Council Framework Decision 2006/783/JHA on the application of the principle of mutual recognition to confiscation orders

Communications under Article 22§2

The Italian Republic has the honour of communicating that the above Framework Decision has been fully transposed by Legislative Decree no. 137 of 7 August 2015. "*Transposition of Framework Decision 2006/783/JHA of the Council of 6 October 2006, on the application of the principle of mutual recognition to confiscation orders*", published in Official Gazette no. 203 of 2 September 2015 and entered into force on 17 September 2015.

Consequently the procedures envisages by the above Framework Decision apply as of 17 September 2015.

Attached hereto is the text of the provisions of Legislative Decree no.137 of 7 August 2015.¹

Article 3§1 - Competent Authorities

Issuing Authority: The Public Prosecutor attached to the executing judge or the public prosecutor attached to the court that issued the order according to counter-mafia laws and preventive measures.

Executing Authority: The Court of appeal of the place where the property is or, should the confiscation order concern a sum of money, the court of appeal where the person has property or income. When such a place is not known, the court of appeal of the place where the person concerned by the confiscation order resides or, should it be a legal person, where the main office is. When there are several pieces of property, located in several places, reference is made to the place where the property of higher value is located.

When jurisdiction cannot be determined the Court of Appeal of Rome holds jurisdiction.

¹ Note by General Secretariat: text not reproduced.

Article 3§2 - Central Authority

The central Authority is the Ministry of Justice, competent for forwarding and receiving confiscation orders, the certificate and official correspondence connected thereto; it also forwards and receives information under Article 22 of the Framework Decision.

A confiscation order to be executed in the territory of the Italian State and the certificate relating thereto can be transmitted both directly to the competent court of appeal and through the Ministry of Justice.

Article 7§5 - confiscation ordered under the extended powers of confiscation referred to in Article 2(d)(iv)

The Italian judicial authorities can refuse to recognize and execute confiscation when the confiscation is ordered under the extended powers of confiscation referred to in Article 2(d)(iv) of the Framework Decision by an issuing State that does not, under conditions of reciprocity, recognize and execute a confiscation order of the Italian authorities also ordered under the extended powers of confiscation.

Article 19 - Languages

The certificate shall be translated into Italian.



Ministry of Justice
Department for Justice Affairs
Directorate General of Criminal Justice

*The General Secretariat of the Council
of the European Union*

The Commission of the European Union

through

*The Permanent Representation of the Italian Republic
to the European Union*

RE: Communications and declarations prescribed by Framework Decision 2006/783/JHA of the Council of 6 October 2006, on the application of the principle of mutual recognition to confiscation orders

Communications under Article 22§2

The Italian Republic has the honour of communicating that the above Framework Decision has been fully transposed by Legislative Decree no. 137 of 7 August 2015, "*Transposition of Framework Decision 2006/783/JHA of the Council of 6 October 2006, on the application of the principle of mutual recognition to confiscation orders*", published in Official Gazette no. 203 of 2 September 2015 and entered into force on 17 September 2015.

Consequently, the procedures envisaged by the above Framework Decision apply as of 17 September 2015.

Attached hereto is the text of the provisions of Legislative Decree no. 137 of 7 August 2015.

Rome,

Raffaele Piccirillo
(DIRECTOR GENERAL)



Ministry of Justice
Department for Justice Affairs
Directorate General of Criminal Justice

The General Secretariat of the Council
of the European Union

through

The Permanent Representation of the Italian Republic
to the European Union

**RE: Declarations according to Framework Decision 2006/783/JHA of the Council of 6 October 2006,
on the application of the principle of mutual recognition to confiscation orders**

Article 3§1 – Competent Authorities

Issuing Authority: The Public Prosecutor attached to the executing judge or the public prosecutor attached to the court that issued the order according to counter-mafia laws and preventive measures

Executing Authority: the Court of appeal of the place where the property is or, should the confiscation order concern a sum of money, the court of appeal where the person has property or income. When such a place is not known, the court of appeal of the place where the person concerned by the confiscation order resides or, should it be a legal person, where the main office is. When there are several pieces of property, located in several places, reference is made to the place where the property of higher value is located.

When jurisdiction cannot be determined, the Court of Appeal of Rome holds jurisdiction

Article 3§2 – Central Authority

The central Authority is the Ministry of Justice, competent for forwarding and receiving confiscation orders, the certificate and official correspondence connected thereto; it also forwards and receives information under Article 22 of the Framework Decision.

A confiscation order to be executed in the territory of the Italian State and the certificate relating thereto can be transmitted both directly to the competent court of appeal and through the Ministry of Justice.

Article 7§5 – confiscation ordered under the extended powers of confiscation referred to in Article 2(d)(iv)

The Italian judicial authorities can refuse to recognize and execute confiscation when the confiscation is ordered under the extended powers of confiscation referred to in Article 2(d)(iv) of the Framework Decision by an issuing State that does not, under conditions of reciprocity, recognize and execute a confiscation order of the Italian authorities also ordered under the extended powers of confiscation.

Article 19 – Languages

The certificate shall be translated into Italian.

Raffaele Piccirillo
(DIRECTOR GENERAL)



Ministero della Giustizia

DIPARTIMENTO PER GLI AFFARI DI GIUSTIZIA
DIREZIONE GENERALE DELLA GIUSTIZIA PENALE

*Al Segretariato Generale del Consiglio
dell'Unione Europea*

*per il tramite della
Rappresentanza Permanente della Repubblica Italiana
presso l'Unione Europea*

Oggetto: *Dichiarazioni ai sensi della Decisione Quadro 2006/783/GAI del Consiglio del 6 ottobre 2006, relativa all'applicazione del principio del reciproco riconoscimento delle decisioni di confisca.*

Articolo 3 § 1 Autorità competenti

Autorità di emissione: Pubblico ministero presso il giudice dell'esecuzione o il pubblico ministero presso il tribunale che ha disposto il provvedimento in base al codice delle leggi antimafia e delle misure di prevenzione.

Autorità di esecuzione: Corte di appello del luogo dove si trova il bene o, qualora la decisione di confisca concerna una somma di denaro, quella del luogo dove la persona dispone di beni o di un reddito. Se tale luogo non è noto, è competente la Corte di appello del luogo dove la persona nei cui confronti è stata emessa la decisione di confisca risiede o, nel caso di persona giuridica, ove ha la propria sede sociale. Se più sono i beni, dislocati in più luoghi, si fa riferimento al luogo dove si trova il bene di maggior valore.

Se la competenza non può essere così determinata, è competente la Corte di Appello di Roma.

Articolo 3 § 2 Autorità centrale

Autorità centrale è il Ministro della Giustizia, competente alla trasmissione e alla ricezione della decisione di confisca, del certificato e della corrispondenza ufficiale ad essi relativa; cura altresì la trasmissione e la ricezione delle informazioni ai sensi dell'articolo 22 della decisione quadro.

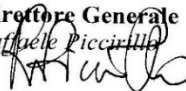
La trasmissione della confisca da eseguire sul territorio dello Stato e del certificato ad essa relativo può essere effettuata sia direttamente alla Corte di Appello competente, sia tramite il Ministro della Giustizia.

Articolo 7 § 5 confisca ordinata in base ai poteri estesi di confisca di cui all'articolo 2 lett. d) punto iv)

Le autorità giudiziarie italiane potranno rifiutare il riconoscimento e l'esecuzione della confisca quando la decisione di confisca, ordinata ai sensi delle disposizioni relative ai poteri estesi di confisca di cui all'articolo 2 lettera d) punto iv), della decisione quadro, provenga da uno Stato di emissione che non preveda, a condizione di reciprocità, il riconoscimento e l'esecuzione della decisione di confisca dell'autorità italiana ordinata anch'essa ai sensi delle disposizioni sui poteri estesi di confisca.

Articolo 19 Lingue.

Il certificato deve essere tradotto in lingua italiana.

Il Direttore Generale
Raffaele Piccirilli


Ministero della Giustizia

Dipartimento per gli Affari di Giustizia

Direzione Generale della Giustizia Penale

Ufficio II- Cooperazione Giudiziaria Internazionale

Via Arenula, 70 – 00186 Roma – Tel. 0668852180 – fax 0668897528

prot.dag@giustiziacerit.it

ufficio2.dgpenale.dag@giustizia.it

Courts Of Appeal

1) Court of Appeal of ANCONA

Address Via G. Carducci, 3
City ANCONA
Zip Code 60121
Phone 071 - 5061 switchboard
071 - 5063132 person in charge
Fax 071 - 2075975 secretariat
prot.ca.ancona@giustizia.it
E-mail ca.ancona@giustizia.it
penale.ca.ancona@giustizia.it

CERTIFIED EMAIL prot.ca.ancona@giustiziacerit.it
penale.ca.ancona@giustiziacerit.it

2) Court of Appeal of BARI

Address Piazza De Nicola
City BARI
Zip Code 70123
Phone 080 - 5298111
Fax 080 - 5794510
E-mail ca.bari@giustizia.it
prot.ca.bari@giustiziacerit.it

3) Court of Appeal of BOLOGNA

Address Piazza dei Tribunali, 4
City BOLOGNA
Zip Code 40124
Phone 051 - 201111
051 - 201848 (secretariat of the manager)
051 - 6449578 (secretariat of the President)
Fax **Extraditions and EAW Unit**
tel 051 - 201456 / 428
Fax 051 - 201471
E-mail ca.bologna@giustizia.it

4) Court of Appeal of BRESCIA

Address Via Lattanzio Gambara, 40
City BRESCIA
Zip Code 25122
Phone 030 - 7673111 switchboard
030 - 7673325 / 7673305 / 7673314 / 7673316 Clerks of the Criminal divisions
Fax 030 - 7673331 Clerk's Office of the Criminal Divisions
E-mail ca.brescia@giustizia.it

5) Court of Appeal of CAGLIARI

Address Piazza della Repubblica, 18
City CAGLIARI
Zip Code 09125
Phone 070 - 60221
Fax 070 - 60222535 / 2789
E-mail ca.cagliari@giustizia.it

6) Court of Appeal of CALTANISSETTA

Address Via Libertà, 3
City CALTANISSETTA
Zip Code 93100

Phone 0934 - 71111 (switchboard)
0934 - 71281 (secretariat of the Presidency)
0934 - 592695 (secretariat of the President)
Fax 0934 - 596417 (clerk's office of the first criminal division)
0934 - 71255 (clerk's office of the second criminal division)

7) Court of Appeal of CAMPOBASSO

Address Piazza Vittorio Emanuele - viale Elena
City CAMPOBASSO
Zip Code 86100
0874 - 4001 (switchboard)
0874 - 400245 (secretariat for general affairs -person in charge)
Phone 0874 - 400255 (criminal clerk's office- person in charge)
0874 - 400254 (criminal clerk's office - staff)
Fax 0874 - 97445 (secretariat for general affairs)
0874 - 400304 (criminal clerk's office)
E-mail ca.campobasso@giustizia.it

8) Court of Appeal of CATANIA

Address Piazza Verga
City CATANIA
Zip Code 95100
Phone 095 - 366111
Fax 095 - 502603 (secretariat)
E-mail ca.catania@giustizia.it

9) Court of Appeal of CATANZARO

Address Piazza Matteotti, 3
City CATANZARO
Zip Code 88100
Phone 0961 - 885111 (switchboard)
Fax 0961 - 885200 / 722445 / 723786
E-mail ca.catanzaro@giustizia.it

10) Court of Appeal of FLORENCE

Address Viale Alessandro Guidoni,61 - Palazzo di giustizia
City FLORENCE
Zip Code 50127
Phone 055 -79941 (Switchboard)
055 - 7995277 (criminal clerk's office)
055 - 7995282 (1st criminal division)
Fax 055 - 7995448 (2nd criminal division)
055 - 7995348 (3rd criminal division)

E-mail ca.firenze@giustizia.it
CERTIFIED E-MAIL prot.ca.firenze@giustiziacert.it

11) Court of Appeal of GENOVA

Address Piazza Portoria, 1
City GENOVA
Zip Code 16100

Phone 010 - 5691 (switchboard)

Fax 010 - 5692445 (criminal)
E-mail ca.genova@giustizia.it

Web site www.corteappello.genova.it
www.urp.ufficijudiziari.genova.it

12) Court of Appeal of L'AQUILA

Address Via Pile, 7
City L'AQUILA
Zip Code 67100

Phone 0862 - 632309 (Secretariat of the President of the Court)
0862 - 632324 / 838 (Secretariat of the Manager)
0862 - 632437 (Criminal Division, Directorate)
0862 - 632877 (Criminal Division- Enforcement Office)

Fax 0862 -632866 / 867 (Criminal Division)

E-mail ca.laquila@giustizia.it

13) Court of Appeal of LECCE

Address Viale Michele De Pietro (Palazzo di Giustizia)
City LECCE
Zip Code 73100
Phone 0832 - 660111 (switchboard)
0832 - 247977 (secretariat)
Fax 0832 - 244419 (secretariat)
0832 - 3331766 (Criminal Division)
E-mail ca.lecce@giustizia.it

14) Court of Appeal of MESSINA

Address Via Tommaso Cannizzaro
City MESSINA
Zip Code 98100
Phone 090 - 77661 (switchboard)
Fax 090 - 675271
E-mail ca.messina@giustizia.it

15) Court of Appeal of MILAN

Address Via Freguglia, 1
City MILAN
Zip Code 20122
Phone 02 - 5436 (switchboard)
Fax 02 - 54108081 (secretariat of the District)
E-mail ca.milano@giustizia.it
Web site <http://www.ca.milano.giustizia.it/>

16) Court of Appeal of NAPOLI

Address Nuovo Palazzo di Giustizia - Centro Direzionale - Piazza Porzio (Settore Amministrativo) Zip Code. 80139 - NAPOLI
Nuovo Palazzo di Giustizia - Centro Direzionale - Piazza Porzio - Torre A - Piani 24 - 25 - 26 - 27 - 28 (Settore Civile)
Nuovo Palazzo di Giustizia - Piazza Cenni (settore penale) Zip Code. 80143
City NAPOLI
Phone 081 - 2237111 (switchboard)
081 - 2232038 (administrative manager)

081 - 2232051 / 2233257 (secretariat)
081 - 2233255 (administrative manager)
Fax
E-mail ca.napoli@giustizia.it
sez1.penale.ca.napoli@giustiziacerit.it
sez2.penale.ca.napoli@giustiziacerit.it
sez3.penale.ca.napoli@giustiziacerit.it
sez4.penale.ca.napoli@giustiziacerit.it
sez5.penale.ca.napoli@giustiziacerit.it
sez6.penale.ca.napoli@giustiziacerit.it
sez7.penale.ca.napoli@giustiziacerit.it
sez8.penale.ca.napoli@giustiziacerit.it
CERTIFIED E-MAIL

17) Court of Appeal of PALERMO

Address P.zza Vittorio Emanuele Orlando
City PALERMO
Zip Code 90138
Phone 091 - 6115265
Fax 091 - 589362 / 7423460
E-mail ca.palermo@giustizia.it

18) Court of Appeal of PERUGIA

Address Piazza Matteotti, 22
City PERUGIA
Zip Code 06100
Phone 075 - 54051
Fax 075 - 9669224
E-mail ca.perugia@giustizia.it

19) Court of Appeal of POTENZA

Address Via Nazario Sauro, 71
City POTENZA
Zip Code 85100
Phone 0971 - 491111 (switchboard)
0971 - 491720 - 22 (Criminal Clerk's Office)
Fax 0971 - 487885 (Presidency)
0971 - 491724 (Criminal Clerk's Office)
E-mail ca.potenza@giustizia.it

20) Court of Appeal of REGGIO CALABRIA

Address Piazza Castello, 2
City REGGIO CALABRIA
Zip Code 89100
Phone 0965 - 8571 (switchboard)

Fax 0965 - 857416

E-mail ca.reggiocalabria@giustizia.it

penale.ca.reggiocalabria@giustiziacerit.it

sez1.penale.ca.reggiocalabria@giustiziacerit.it

CERTIFIED E-MAIL sez2.penale.ca.reggiocalabria@giustiziacerit.it

21) Court of Appeal of ROME

Address 06 - 398081 (switchboard)
via Romeo Romei, n 2

City ROMA

Zip Code 00136

E-mail ca.roma@giustizia.it

22) Court of Appeal of SALERNO

Address Corso Garibaldi

City SALERNO

Zip Code 84100

Phone 089 - 5645111

089 - 5645157 (presidency)

Fax 089 - 251662

E-mail ca.salerno@giustizia.it

23) Court of Appeal of TORINO

Address Corso Vittorio Emanuele II, 130
City TORINO
Zip Code 10138
Phone 011 - 4327111 (switchboard)
Fax 011 - 4329823 / 485
E-mail ca.torino@giustizia.it

24) Court of Appeal of TRENTO

Address Largo Pigarelli, 1
City TRENTO
Zip Code 38122
Phone 0461 - 200111 (switchboard)
0461 - 200210 (Information Office)
0461 - 200273 (secretariat)
Fax 0461 - 261209 (secretariat)
0461 - 261319 (criminal)
E-mail ca.trento@giustizia.it

25) Court of Appeal of TRIESTE

Address Via Foro Ulpiano, 1
City TRIESTE
Zip Code 34100
Phone 040 - 7792111 (switchboard)
Fax 040 - 635120 / 368326
E-mail ca.trieste@giustizia.it

26) Court of Appeal of VENEZIA

Address San Marco 4041 (Palazzo Grimani) - 30124 VENEZIA
City VENEZIA
Zip Code 30124
Phone 041 - 5217611 (switchboard)
Fax 041 - 5217645 (magistrates' secretariat)
041 - 5217677 (criminal central clerk's office)

E-mail ca.venezia@giustizia.it
presidenza.ca.venezia@giustizia.it
centrale.penale.ca.venezia@giustizia.it
sez1.penale.ca.venezia@giustizia.it
sez2.penale.ca.venezia@giustizia.it
sez3.penale.ca.venezia@giustizia.it
sez4.penale.ca.venezia@giustizia.it
assise.penale.ca.venezia@giustizia.it