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COVER NOTE

From:	Mr Nuno Brito, Ambassador, Permanent Representation of Portugal to the European Union
date of receipt:	5 May 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

Subject:	Council Framework Decision 2005/214/JHA, of 24 February, on the application of the principle of mutual recognition to financial penalties, as amended by Framework Decision No. 2009/299/JHA, of the Council, of 26 February 2009 - Notification by Portugal
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Dear Sir,

In connection with the implementation by the Portuguese authorities of Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, I am pleased to transmit the information contained in the document in annex.

(complimentary close)

Information to be communicated pursuant to Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009

I – Information to be communicated under Article 2(1) of the Framework Decision

When Portugal is the issuing state, the authority competent to issue the decision to impose a financial penalty and transmit it to the competent authority of the executing state is the court that took the decision or, if the decision was taken by an administrative authority, the court competent for its execution (Article 8 of Law No 93/2009).

When Portugal is the executing state, the authority competent to execute a decision to impose a financial penalty in Portugal is the court in whose jurisdiction the habitual residence or the registered office, depending on whether the person against whom the decision was given is a natural or legal person, is located; if the habitual residence or registered office is not known, the competent authority is the court in whose jurisdiction the person's property is located or income is generated (Article 16 of Law No 93/2009).

II – Information to be communicated under Article 16(1) of the Framework Decision

Portuguese.

III – Communication of national transposition provisions under Article 20(5) of the Framework Decision

The Framework Decision was transposed by Law No 93/2009 of 1 September 2009 on the issuing and execution of decisions imposing financial penalties, transposing into national law Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009.

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