



Ministry of Justice

Department for Justice Affairs

Directorate General for International Affairs and Judicial Cooperation

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Notifications and declarations pertaining to Regulation (EU) 2018/1805 of the European Parliament and the Council of 14 November 2018 on the mutual recognition of freezing and confiscation orders

Article 2 (8) (a) – Issuing authority in respect of a freezing order

The public prosecutor or the judge that has issued a freezing (seizure) order within the framework of a proceeding in criminal matters is competent to issue a freezing order.

Article 2 (8) (b) – Issuing authority in respect of a confiscation order

The public prosecutor attached to the executing judge or the public prosecutor attached to the first instance court or the court of appeal that has issued the confiscation orders envisaged by the code of the antimafia laws and preventive measures is competent to issue a confiscation order.

Article 2 (9) – Executing authority in respect of a freezing order

The public prosecutor attached to the first instance court of the place where the property is located is competent for the execution of a freezing order and shall submit relevant requests for the said purpose to the preliminary investigation judge. When a freezing order concerns several properties located in different first instance court districts, the public prosecutor attached to the first instance court of the district where the largest number of properties are located is competent in the case concerned.

Article 2 (9) – Executing authority in respect of a confiscation order

The court of appeal of the place where the property is located is competent to execute a confiscation order or, should the confiscation order concern a sum of money, the court of appeal of the place where the person has properties or an income. When the said place is unknown, competence lies with the court of appeal of the place where the person against whom the confiscation order is issued resides or, in the case of a legal person, where its headquarters are located. When there are several properties, located in several places, reference is made to the location where the property of more value is located. When competence may not be thus determined, the Court of Appeal of Rome is competent in the case.

Article 3 (2) – Criminal Offences and dual criminality

For criminal offences other than those referred to in Article 3 paragraph 1, the Italian Republic declares that it will avail itself of the authority envisaged in paragraph 2 of the same Article. Consequently, as executing State it will make the recognition and execution of the freezing or confiscation order subject to the condition that the acts giving rise to the order itself constitute a criminal offence under Italian law.

Article 4 (2) – Transmission of freezing orders

The Italian Republic declares that when a freezing certificate is transmitted to Italy with a view to the recognition and execution of a freezing order, the issuing authority is to transmit, together with the freezing certificate, the original freezing order or a certified copy thereof.

Article 14 (2) – Transmission of confiscation orders

The Italian Republic declares that when a confiscation certificate is transmitted to Italy with a view to the recognition and execution of a confiscation order, the issuing authority is to transmit, together with the confiscation certificate, the original freezing order or a certified copy thereof.

Article 24 (2) – Central Authority

The Italian Republic herein designates the Ministry of Justice – Directorate General for International Affairs and Judicial Cooperation – Office I (International Judicial Cooperation), 70, Arenula Street, 00186 Rome – as Central Authority responsible for the administrative transmission and reception of the confiscation and freezing certificates, as well as assisting its competent authorities. Contact information: phone: +39 06 6885 2180; fax: +39 06 6889 7528; e-mail: cooperation.dginternazionale.dag@giustizia.it.

True and accurate translation of the original
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