



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

from:	Boyko Kotzev, Ambassador, Permanent Representation of the Republic of Bulgaria to the European Union
dated:	5 July 2010
to:	Mr Ivan BIZJAK, Director-General, Directorate General H, General Secretariat of the Council of the European Union

Subject:	Notification of the Republic of Bulgaria to the Framework Decision 2006/783/JHA on principle on mutual recognition to confiscation orders
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Dear Mr Bizjak,

With regard to the obligation for notifying the General Secretariat of the Council of the European Union and the European Commission under art.3, art.7, paragraph 5, art.19, paragraph 2 and art.22, paragraph 2 of the Framework Decision 2006/783/JHA of the Council from 6 October 2006 on the application of the principle on mutual recognition to confiscation orders as well as under art.2, art.16, paragraph 1 and art.20, paragraph 5 of the Framework Decision 2005/214/JHA of the Council from 24 February 2005 on the application of the principle on mutual recognition to financial penalties I am sending you enclosed the declarations and notifications of the Republic of Bulgaria concerning the implementation of the above-mentioned Framework Decisions, the text of the implementing law in Bulgarian and in English language together with the table of compliance.

The notifications are also sent to the following e-mail address : secretariat.criminal-law@consilium.europa.eu.

(Complimentary close)

(s.) Boyko Kotzev

**DECLARATIONS AND NOTIFICATIONS BY THE REPUBLIC OF BULGARIA
IN ACCORDANCE WITH ARTICLE 3, ARTICLE 7(5) AND ARTICLE 19 OF
COUNCIL FRAMEWORK DECISION 2006/783/JHA OF 6 OCTOBER 2006 ON THE
APPLICATION OF THE PRINCIPLE OF MUTUAL RECOGNITION TO
CONFISCATION ORDERS**

The Republic of Bulgaria hereby notifies the General Secretariat of the Council of the following declarations and notifications pursuant to Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders and the Law on the recognition, execution and transmission of decisions on confiscation or seizure and decisions on the enforcement of financial penalties adopted by the National Assembly of the Republic of Bulgaria on 11 February 2010 (published in the State Journal of the Republic of Bulgaria No 15 of 23 February 2010), which transposes the abovementioned Framework Decision into the law of the Republic of Bulgaria.

1) Notification pursuant to Article 3 of Framework Decision 2006/783/JHA (determination of the competent authorities):

(a) When the Republic of Bulgaria is the executing State:

The competent authorities with regard to the recognition of confiscation or seizure orders shall be the provincial courts and Sofia City Court. With regard to compulsory enforcement, the competent authority shall be the National Revenue Agency.

The certificate, together with the confiscation or seizure order, should be sent to the provincial court at the person's place of domicile or habitual residence – in the case of legal persons, it should be sent to the provincial court at the place of the seat, administrative address or address used for correspondence on the territory of the Republic of Bulgaria.

Orders for the confiscation or seizure of a property or a financial sum shall be recognised by the provincial court at the location of the property or at the place of the source of the person concerned's income. If the property liable for confiscation or seizure includes more than one property, the order shall be recognised by the provincial court at the place of the property with the highest value for taxation purposes. If two or more confiscation or seizure orders, issued in connection with one and the same person or property are sent to two different courts for recognition at the same time, the court competent to pronounce on all decisions shall be the court which first initiated proceedings. If the person's place of domicile or habitual residence – or, in the case of legal persons, the seat, administrative address or address used for correspondence on the territory of the Republic of Bulgaria – cannot be established, the competent court for examining the decision shall be Sofia City Court.

List of addresses of provincial courts in the Republic of Bulgaria

In order to establish the geographical jurisdictions of the provincial courts in the Republic of Bulgaria, we advise checking the European Atlas on the website of the European Judicial Network (<http://www.ejn-crimjust.europa.eu>).

- (b) **The central authority in the Republic of Bulgaria** – in cases where direct contact between the competent authorities is not possible, the authority responsible for the administrative transmission and receipt of confiscation or seizure orders in the Republic of Bulgaria, shall be the Ministry of Justice.

MINISTRY OF JUSTICE

Address: 1040 Sofia, "Slavyanska" Street 1

Fax: + 359 2 980 92 22, Tel.: + 359 2 9237 545, + 359 2 9237 466

- 2) **Declaration pursuant to Article 7(5) of Framework Decision 2006/783/JHA (extended powers of confiscation):**

The Republic of Bulgaria declares that its competent authorities shall not recognise or execute confiscation or seizure orders where confiscation of the property was ordered under the extended powers of confiscation referred to in Article 2(d)(iv) of Framework Decision 2006/783/JHA.

- 3) **Declaration pursuant to Article 19(2) of Framework Decision 2006/783/JHA (languages):**

The Republic of Bulgaria declares that the certificate must be accompanied by a translation into Bulgarian.
