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COVER NOTE

From :	Mrs Milena Vicenová, Permanent Representative, Permanent Representation of the Czech Republic to the European Union
date of receipt :	17 June 2009
Recipient:	Mr Ivan BIZJAK, Director-General, Directorate-General H (Justice and Home Affairs) of the Council of the European Union
Subject :	Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders - Notification letter by the Czech Republic

Sir,

In accordance with Article 22(2) of Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders (published in the Official Journal of the EU, L 328/59, 24 November 2006, p. 59), I enclose herewith the amended legal texts of the Czech Republic adopted for the purpose of full transposition of the Framework Decision.

The provisions of the Framework Decision have been transposed into Act No141/1961 Coll. (Code of Criminal Procedure), as amended, and into Act 219/200 Coll. on the property of the Czech Republic and its position in legal relations, as amended. Act 457/2008 Coll., which transposed the Framework Decision into the above-mentioned laws of the Czech Republic, entered into force on 1 January 2009.

The Czech Republic has transposed the Framework Decision in full.

We enclose herewith further information on the domestic arrangements adopted, in the form of a comparative table showing the relevant measures of our legislation that transpose the Framework Decision. We also attach the relevant section of Act 457/2008 Coll., namely section 10.

The person to contact for consultation on technical questions on the legislation adopted is:

Mgr. Kateřina Gauthierová
mezinárodní odbor trestní [international crime department]
Ministerstvo spravedlnosti [Ministry of Justice]
tel.: +420 221 997 630
email: KGauthierova@msp.justice.cz
Working language: French

You will also find enclosed, in Annexes 2 and 3, the Czech Republic's notification and its Annex, in accordance with Article 3(1) of the Framework Decision, on determining the competent authorities, where the Czech Republic is the issuing state or the executing state, under the Framework Decision.

Please also find enclosed, as Annex 4, the declaration by the Czech Republic in accordance with Article 7(5) of the Framework Decision, whereby the competent authorities of the Czech Republic will not recognise and execute confiscation orders under circumstances where confiscation of the property was ordered under the extended powers of confiscation referred to in Article 2(d)(iv) if the method of confiscation mentioned in the confiscation order is not permitted in the Czech Republic under its domestic law.

(complimentary close)

4 annexes

Notification by the Czech Republic regarding Article 3(1) of Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders

In accordance with Article 3 of Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders, the Czech Republic declares that the competent bodies are:

1/ in the event that the Czech Republic is the issuing State:

- the locally competent high, regional, district and area courts, Prague Municipal Court, Brno Municipal Court and the Supreme Court of the Czech Republic;
- Office of the Government Representation in Property Affairs.

2/ in the event that the Czech Republic is the executing State:

- the locally competent high and regional courts and Prague Municipal Court;
- Office of the Government Representation in Property Affairs.

The bodies responsible for receiving a decision together with a certificate from other Member States are the locally competent regional courts and Prague Municipal Court. These bodies can be contacted at the address given in Annex 3.

3/ The body responsible for assisting the competent bodies is the Ministry of Justice of the Czech Republic, which can be contacted at the address given in Annex 3.

4/ The body responsible in the Czech Republic for concluding agreements with other Member States on the disposal of property which it has seized or confiscated on the basis of a decision on seizure or confiscation (Article 16(4) of the Framework Decision), is the Ministry of Finance of the Czech Republic, which can be contacted at the address given in Annex 3.

Annex to the notification by the Czech Republic regarding Article 3(1) of Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders

A/ The locally competent regional courts and Prague Municipal Court can be contacted at the following addresses:

1. Prague Municipal Court

Spálená 2

112 16 Prague 1

Tel.: +420 221 931 111

Fax: +420 224 947 490

E-mail: slezska@msoud.pha.justice.cz

2. Brno Regional Court

Rooseveltova 16

601 95 Brno

IČ 215 724

Tel.: +420 542 101 111

Fax: +420 542 103 362

E-mail: podatelna@ksoud.brn.justice.cz

3. Regional Court

Nám. Kinských 5

150 75 PRAGUE 5

Tel.: +420 257 005 111

Fax: +420 257 321 528

E-mail: podatelna@ksoud.pha.justice.cz

4. Ústí nad Labem Regional Court

Národního odboje 1274

400 92 Ústí nad Labem

Tel.: +420 475 247 111

Fax: +420 475 247 369

E-mail: podatelna@ksoud.unl.justice.cz

5. Ostrava Regional Court

Havlíčkovovo nábřeží 34

728 81 OSTRAVA

Tel.: +420 596 153 111

Fax: +420 569 120 981

E-mail: : ksostrava@ksoud.ova.justice.cz

6. České Budějovice Regional Court

Zátkovo nábřeží 2

370 84 České Budějovice

Tel.: +420 386 018 111

Fax: +420 386 354 309

E-mail: podatelna@ksoud.cbu.justice.cz

7. Plzeň Regional Court

Veslavínova 40

306 17 Plzeň

Tel.: +420 377 868 888

Fax: +420 377 868 000

E-mail: epodatelna@ksoud.plz.justice.cz

8. Hradec Králové Regional Court

Československé armády 218

502 08 Hradec Králové

Tel.: +420 498 016 111

Fax: +420 495 514 021

E-mail: posta@ksoud.hrk.justice.cz

B/ The Ministry of Justice of the Czech Republic can be contacted at the following address:

Ministerstvo spravedlnosti [Ministry of Justice]

mezinárodní odbor trestní [international crime department]

Vyšehradská 16

128 10 Prague 2

Tel.: +420 221 997 925

Fax.: + 420 221 997 986

E-mail: om@msp.justice.cz

B/ The Ministry of Finance of the Czech Republic can be contacted at the following address:

Ministerstvo financí [Ministry of Finance]

Letenská 15

118 10 Prague 1

Tel.: +420 257 041 111

Fax.: + 420 257 042 788

E-mail: podatelna@mfcf.cz

Declaration of the Czech Republic in accordance with Article 7(5) of Framework
Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition
to confiscation orders

In accordance with Article 7(5) of Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders, the Czech Republic declares that its competent authorities will not recognise and execute confiscation orders under circumstances where confiscation of the property was ordered under the extended powers of confiscation referred to in Article 2(d)(iv) if the method of confiscation mentioned in the confiscation order is not permitted in the Czech Republic under its domestic law.