



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 6 December 2010

17509/10

COPEN 281

COVER NOTE

from:	Dr Edmund DUCKWITZ, Ambassador and Permanent Representative of the Federal Republic of Germany to the European Union
dated:	19 August 2010
to:	Mr Ivan BIZJAK, Director-General, Directorate General H, General Secretariat of the Council of the European Union

Subject:	Implementation of Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders - Notification
----------	--

Dear Mr Bizjak,

Please find enclosed the text of the provisions transposing into national law the obligations imposed under Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders. The transposing legislation has amended provisions of the law on international legal assistance in criminal matters. The amendments entered into force on 22 October 2009.

Please find below the Federal Republic of Germany's declarations on this Framework Decision:

Re Article 3:

When the Federal Republic of Germany is the executing state, the competent authorities are the prosecution services at the district courts (*Landgerichte*), except in the Land of Berlin, where the Senate Department for Justice (*Senatsverwaltung für Justiz*) is the competent authority.

When the Federal Republic of Germany is the issuing state, the prosecution services are competent for forwarding certificates. The courts are authorised to forward certificates if the confiscation order relates to an act committed when the person convicted was under 21 years of age.

The Federal Office for Justice in Bonn can be consulted if there is any doubt as to competence.

Re Article 7(5):

The competent authorities will not recognize 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) of the Framework Decision and an order of this type could not have been made under German law.

(Complimentary close)

(s.) Edmund DUCKWITZ
