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NOTE

From:	Luminita Odobescu, Permanent Representative of Romania to the EU
On:	24 February 2020
To:	Christine Roger, Director-General, General Secretariat of the Council
Subject:	Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders - Revised notifications by Romania

I am pleased to send you, hereby attached, the updated notifications of Romania regarding Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders.

These notifications replace the previous ones.

(Complimentary close)

Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders

Romania transposed Framework Decision 2006/783/JHA of 6 October 2006 through Title VIII, Section 5, of Law No 302/2004 on international judicial cooperation, which has subsequently been amended and supplemented, and republished ¹.

In view of the need to update its statements and notifications, Romania makes the following statements and notifications regarding the implementation of Framework Decision 2006/783/JHA on the application of the principle of mutual recognition, replacing or supplementing previous statements and notifications (contained in documents 16284/08, 6453/09 and 5769/14).

Notification regarding Article 3(2):

Romania designates the Ministry of Justice as central authority with the role of assisting the courts and tribunals and authority competent to transmit and receive confiscation orders when direct contact is not possible.

The contact details of the Ministry of Justice are as follows:

Ministerul Justiției, Direcția Drept Internațional și Cooperare Judiciară,

Serviciul de cooperare judiciară internațională în materie penală,

(Ministry of Justice, Directorate for International Law and Judicial Cooperation,

Division for judicial cooperation in criminal matters)

Str. Apolodor 17, Sector 5, București, Romania

Tel.: 0040 37 204 10 77

Fax: 0040 37 204 10 79/84

Email: dreptinternational@just.ro

¹ The republished version can be found in Official Gazette No 411 of 27 May 2019.

Notification regarding Article 4:

The authorities competent to issue a confiscation order are the courts and tribunals.

Romania designates as executing authorities the district courts within whose jurisdictions the property to be confiscated is located.

When the confiscation order concerns:

- (a) more than one item of movable property, located within the jurisdictions of different district courts, competence lies with Bucharest District Court;
- (b) more than one item of movable property and an item of immovable property, competence lies with the district court within whose jurisdiction the immovable property is located;
- (c) more than one item of immovable property, located within the jurisdictions of different district courts, competence lies with the district court within whose jurisdiction the immovable property with the highest value is located.

If there are multiple confiscation orders for the same property, transmitted by more than one issuing Member State, competence lies with the district court that was seized of the matter first.

The contact details of the competent courts can be found in the Atlas of the European Judicial Network via the following link: https://www.ejn-crimjust.europa.eu/ejn/ejn_home.aspx.

Declaration pursuant to Article 7(5):

In accordance with Article 7(5), Romania 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 point (iv) of Article 2(d) if the method of confiscation mentioned in the confiscation order is not permitted under its domestic law.

Notification regarding Article 19:

Romania declares that the certificate transmitted by the foreign authorities must be translated into Romanian.