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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	7574/1/15 REV 1
Subject:	Implementation of the Framework Decision 2006/783/JHA of the Council of the European Union of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders - Information provided to the General Secretariat

Delegations will find attached information a table concerning the implementation of Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders (OJ L 328, 24.11.2006, p. 59). This information is based on notifications by Member States to the Council General Secretariat, to which reference is made in the last column of the table.

In accordance with Article 22, the Framework Decision should have been implemented by 24 November 2008. According to the information received, up to now 23 Member States (BE, BG, CZ, DK, DE, ES, FR, HR, IE, CY, LV, LT, HU, MT, NL, AT, PL, PT, RO, SI, FI, SE, UK) have implemented the Framework Decision in their national legal order. LU has also sent information.

The information in the table is a summary of the notified information: delegations are invited to consult the documents referred to in the last column in order to obtain more detailed information.

The information provided in the table is up-to-date as at 16 November 2016. Any comments or suggestions for improvement should be sent to secretariat.criminal-law@consilium.europa.eu.

Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders					
Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
BELGIUM	Implemented Entry into force of legislation : 14 April 2012	BE as issuing state: prosecutors BE as executing state: prosecutors and courts Central authority: Federal Public Service Justice (see address in doc.15548/13)	Will not recognise/execute if the confiscation would not be possible under article 43quater of the Belgian criminal code.	Dutch French German English	Doc. 8994/12 + Doc. 15548/13
BULGARIA	Implemented Entry into force of legislation : 27 February 2010	BG as issuing state: regional and district courts. BG as executing state: district courts (and Sofia City court) Central authority: Ministry of Justice.	Will not recognise/execute	Bulgarian	Doc. 15217/10

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CZECH REPUBLIC	Implemented Entry into force of legislation : 1 January 2009	CZ as issuing State: District, area and regional courts and Prague Municipal Court and Brno Municipal Court. CZ as executing State: 1) The locally competent district and area courts. 2) The regional court decides on the legal remedies See also particular info on the role of the Ministry of Justice and the Ministry of Finance in doc. 12854/2/15 REV 2	Will not recognise/execute	Czech With respect to the Slovak Republic the Czech Republic will accept certificates produced in Slovak. (see doc. 12854/2/15 REV 2)	Doc. 12002/09 Doc. 12854/2/15 REV 2
DENMARK	Implemented Entry into force of legislation : 1 January 2005	DK as issuing and executing State: Ministry of Justice. (see address in doc. 15970/09)		Danish	Doc. 15970/09

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DEUTSCHLAND/ GERMANY	Implemented Entry into force of legislation : 22 October 2009	DE as issuing State: 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. DE as executing State: Prosecution services at the district courts (<i>Landgerichte</i>), except in the Land of Berlin, where the Senate Department for Justice (<i>Senatsverwaltung für Justiz</i>) is the competent authority.	Will not recognise/execute	German and official languages of other Member States which accept confiscation orders in German	Doc. 17509/10
ESTONIA					
ELLAS/GREECE					

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Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
ESPANA/SPAIN	Entry into force of legislation : 21 November 2014	<p>ES as issuing state:</p> <p>the Criminal Courts or Judges presiding over the enforcement of sentences where the confiscation of property is imposed as an additional consequence</p> <p>ES as executing state:</p> <p>the criminal court where the property is located or has been located initially.</p> <p>In case of request concerning more items or in case of multiple requests - the criminal court that has received a request first.</p> <p>(see doc. 8721/15)</p>	Will not recognise/execute when the competent court considers that the confiscation order is incompatible with the fundamental rights and freedoms enshrined in the Spanish Constitution	Spanish	Doc. 8138/15 + Doc. 8721/15

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FRANCE	Implemented Adoption of legislation: 9 July 2010	FR as issuing State : Public prosecutors and other agents of the prosecution (<i>magistrates et officiers du ministère public</i>) FR as executing State: The territorially competent public prosecutors (<i>procureurs de la République territorialement compétents</i>)	-	French	Doc. 17038/10

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HRVATSKA / CROATIA	Implemented as part of the <i>acquis</i> - 1 July 2013	<p>HR as executing State:</p> <p>a) The county state attorney's offices for the place where the property or objects are located, or, in the case of natural persons, where the person in question is permanently or temporarily resident or stays, or, in the case of legal persons, where the person in question has its registered seat (competent to receive a decision on confiscation);</p> <p>b) the county courts.</p> <p>HR as issuing State:</p> <p>competent courts under national law</p> <p>(list provided in doc. 12335/14 ANNEX II)</p>	Will not recognise/execute	Croatian; English (in urgent cases) on a reciprocal basis	Doc. 12335/14

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IRELAND	Entry into force of legislation : 1 February 2016	The Minister for Justice and Equality or the person duly authorised by the Minister acts in respect of decisions on requests for recognition of confiscation measures. Decisions on execution of such measures - including any adjustment of the measures - are taken by the courts.		Irish English	Doc. 9102/16
ITALY					
CYPRUS	Implemented Entry into force of legislation: 25 June 2010	Unit for Combating Money Laundering (MOKAS), Attorney General's Office		Greek English	

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LATVIA	Implemented Entry into force of legislation : 14 July 2009	LV as issuing State: any court LV as executing State: any district (city) court Central authority: Ministry of Justice (see contact details in doc. 15586/09)		Latvian	Doc. 15586/09
LITHUANIA	Implemented Entry into force of legislation : 21 March 2013	LT as issuing State: courts of general jurisdiction LT as executing State: district courts Central authority: ministry of Justice (for contact details see 17911/13)	Will recognise/execute only when this is consistent with the law of LT	Lithuanian English	Doc. 17911/13
LUXEMBOURG			Will not recognise/execute Doc. 13075/06 COPEN 98		

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
MAGYARORSZÁG HUNGARY	Implemented Entry into force of legislation : 8 January 2009	HU as issuing and executing State: Competent courts		Hungarian	Yes
MALTA	Implemented Entered into force on: 22 October 2010	Office of the Attorney General (see contact details in doc. 16711/10)		Maltese English	Doc. 16711/10
NETHERLANDS	Implemented Entry into force of legislation : 1 June 2009	Centraal Justitiele Incassobureau (see contact details in doc. 12709/09)		Dutch English and all other official EU languages if together with a EN translation	Doc. 12709/09

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
AUSTRIA	Implemented Entry into force of legislation : 1 July 2007	AT as issuing state: district courts (Bezirksgerichte) and the regional courts (Landesgerichte) AT as executing state: regional courts (Landesgerichte) (for a list see doc. 5880/08)	Will not recognise/execute	German. Certificates in other languages will be accepted on a reciprocal basis	Doc. 5880/08
POLAND	Implemented Entry into force of legislation : 5 February 2009	PL as issuing state: the regional and district courts with territorial jurisdiction; PL as executing state: the district courts with territorial jurisdiction	Will not recognise/execute		Doc. 5314/10
PORTUGAL	Implemented Entry into force of legislation : 31 August 2009				Yes

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ROMANIA	Implemented Entry into force of legislation: 13 November 2008	RO as issuing State: No information RO as executing State: Ministry of Justice (for contact details see doc. 5769/14)	Will not recognise/execute if the method of confiscation mentioned in the confiscation order is not permitted in Romania under its domestic law	Romanian	Doc. 16284/08 + Doc. 5769/14
SLOVENIA	Implemented Entry into force of legislation : 25 October 2007	Local courts and District courts (for details + list see doc. 5506/14)	Will not recognise/execute	Slovenian English	Doc. 5506/14
SLOVAKIA					
FINLAND	Implemented Entry into force of legislation : 24 November 2008	FI as issuing and executing State: Legal Register Centre (for contact details see doc. 5817/14)		Finnish Swedish English. Other language also accepted if there are no obstacles	Doc. 5817/14

Member State	State/date of implementation of Framework Decision	Notification re Article 3 (Competent Authorities)	Notification re Article 7(5) (extended powers of confiscation)	Notification re Article 19(2) (languages)	Notification re Article 22(2) (Implementation)
SWEDEN	Implemented Entry into force of legislation : 1 July 2011	SE as issuing and executing State: the Swedish Enforcement Authority (contact details in doc. 17842/11) From 1 July 2014, where Sweden is the executing State, its courts are also competent authorities in accordance with the Framework Decision.	Yes (from 1 July 2014)	Swedish Danish Norwegian English (or in other languages, if accompanied by a translation in one of those languages)	Doc. 17842/11 Doc. 12005/14
UNITED KINGDOM	Implemented Entry into force of legislation : 3 December 2014	UK as issuing State: Any prosecutor in the UK can forward orders made in UK by the courts relating to property in other Member States. UK as executing State: See the list of competent authorities in doc. 6637/15		English (or in other languages but accompanied by a certified English translation)	Doc 6637/15