



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From :	General Secretariat
To :	Delegations
Subject :	Implementation of the Framework Decision of the Council of the European Union of 24 February 2005 (2005/214/JHA) of the application of the principle of mutual recognition to financial penalties - Information provided to the General Secretariat

Delegations will find attached updated information about the state of play of the implementation of the Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.

The information provided in the table is up-to-date as at 21 January 2011.

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ANNEX

	State/date of implementation of Framework Decision	Transmission of National Legislation	Notification re Article 2(1) Competent Authorities	Notification of Article 16 Languages
BELGIUM	Legislative work still ongoing			
BULGARIA	Implemented Entry into force of legislation : 27 February 2010	YES	<p>1/ When Bulgaria is executing state: The District Court (for Sofia district – the Sofia City court) of the domicile or habitual residence of the person, and for legal entities - of their registered seat, management address or address for correspondence.</p> <p>If the domicile or habitual residence of the person, and for legal entities - their seat, registered office or address for correspondence in the territory of the Republic of Bulgaria are not stated in the certificate, the decision imposing a financial penalty shall be recognised by the District Court of <u>the location of the property or the place of the source of the income of the person</u></p>	Bulgarian

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	State/date of implementation of Framework Decision	Transmission of National Legislation	Notification re Article 2(1) Competent Authorities	Notification of Article 16 Languages
			<p><u>concerned.</u></p> <p>2/ When Bulgaria is issuing state the competent authorities are:</p> <p>a) <u>Court decisions</u>: The Regional or District Court which has ruled the decision at first instance.</p> <p>b) <u>Penal decrees</u> (decisions, issued by an authority other than a court in respect of infringements of the rules of law): The National Revenue Agency <i>NATIONAL REVENUE AGENCY</i> Address: <i>Dondukov boulevard 52, Sofia, Bulgaria,</i> Information centre – 0700 18 700, e-mail: <i>infocenter@nra.bg</i></p> <p>A list of the district and regional courts in the Republic of Bulgaria was originally contained in the Notification, drawn up by the Ministry of Justice to the Secretariat. However this list is not contained in document 15219/10 COPEN 228 EUROJUST 115 EJN</p>	

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	State/date of implementation of Framework Decision	Transmission of National Legislation	Notification re Article 2(1) Competent Authorities	Notification of Article 16 Languages
			<p>54.</p> <p>3/ Central authority: In cases <u>where direct contact between the competent authorities is not possible</u>, the authority responsible for the administrative transmission and receipt of decisions on the enforcement of financial penalties in the Republic of Bulgaria, shall be the Ministry of Justice.</p> <p>MINISTRY OF JUSTICE Address: 1040 Sofia, "Slavyanska" Street 1 Fax: + 359 2 980 92 22, Tel.: + 359 2 9237 545, + 359 2 9237 466 e-mail: n_hringova@justice.government.bg</p>	

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CZECH REPUBLIC	<p>Implemented</p> <p>Entry into force of legislation : 1 January 2008</p>	YES	<p>1/ Czech Republic is the issuing State : all courts (the locally competent high, regional (including Prague Municipal Court), district (including Brno Municipal Court) courts, , and the Supreme Court of the Czech Republic).</p> <p>2/ Czech Republic is the executing State : the locally competent regional courts (including Prague Municipal Court). High courts as the courts deciding on the legal remedies.</p> <p>The bodies responsible for receiving a decision together with a certificate from other Member State are the locally competent regional courts (including the Prague Municipal Court). These bodies can be contacted at the addresses given in Annex 2. See: 11439/10 COPEN 144</p>	<p>Czech</p> <p>See: 11439/10 COPEN 144</p>
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DENMARK	Implemented Entry into force of legislation : 1 January 2005	YES	Justitsministeriet Slotsholmsgade 10 1216 København K Denmark Phone: +45 7226 8400 Fax: +45 3392 2689 E-mail: jm@jm.dk See : 10909/07 COPEN 97	Danish See : 10909/07 COPEN 97
GERMANY	Implemented Entry into force of legislation : 28 October 2010	YES	Bundesamt für Justiz Adenauerallee 99-103 53113Bonn E-mail: EU-Geldsanktionen@bfj.bund.de (doc.: 17526/10 COPEN 282 EUROJUST 142 EJM 73)	German
ESTONIA	Implemented Entry into force of legislation : 28 July 2008	YES	Both, as the issuing state and as the executing state: Ministry of Justice Tõnismägi 5a Tallin 15191 Estonia Tel: +372 620 81 00 E-mail: info@just.ee See 14381/08	Estonian or english
GREECE				

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SPAIN	<p>Implemented</p> <p>Entry into force of legislation : 24 December 2008</p>	YES	<p>The competent authority where Spain is the issuing state:</p> <ul style="list-style-type: none"> – The Criminal court responsible for enforcing the decision in Spain <p>The competent authority where Spain is the executing state:</p> <ul style="list-style-type: none"> – The <u>The Juzgado de lo Penal (first instance criminal court)</u> criminal court which has jurisdiction over the place where the properties or sources of income, or the usual place of residence, of the natural person or the registered office of the legal person to whom/which the decision applies are located. <p>See 6448/09</p>	Spanish
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FRANCE	Implemented Adoption of legislation : 5 March 2007 and 3 May 2007	YES	<ul style="list-style-type: none"> – for the issuing of financial penalties, the prosecutors (magistrats) and officials of the public prosecutor's office; – for the execution of financial penalties, the public prosecutors (procureurs de la République) with territorial jurisdiction. <p>See 11080/07 COPEN 102</p>	French
IRELAND				
ITALY	(Draft bill)			(Italian)

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CYPRUS	Implemented Entry into force of legislation : 2007	yes	<p>Υπουργείο Δικαιοσύνης και Δημοσίας Τάξεως Μονάδα Διεθνούς Νομικής Συνεργασίας Λεωφόρος Αθαλάσσης 125 1461 Λευκωσία Κύπρος Τηλ.: +357 22805928 Fax : +357 22518328 e-mail : emorphaki@mipo.gov.cy registry@mipo.gov.cy</p> <p>See 16239/08 COPEN 232</p>	Greek or Turkish or English
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LATVIA	<p>Implemented</p> <p>Entry into force of legislation : 29 July 2008</p>	YES	<p><u>Competent authority in the executing State:</u> City (District) Court</p> <p><u>Competent authority in the issuing State:</u> Any court or the public prosecutor's office</p> <p><u>Central authority:</u> Ministry of Justice Tieslietu ministrija (Ministry of Justice) Brīvības bulv. 36 - Riga LV-1536 Latvia tel.: +371 67036801 +37167036716 fax: +3716720823 e-mail: tm.kanceleja@tm.gov.lv</p> <p>See 14385/08</p>	Latvian or english
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LITHUANIA	<p>Implemented</p> <p>Entry into force of legislation :</p> <p>1 March 2008 and 21 March 2008</p>	YES	<p><u>Executing state:</u></p> <p>District courts of <i>the place where the natural or legal person</i> on whom a financial penalty has been imposed <i>is resident or has its registered seat.</i></p> <p>Where the natural person on whom a financial penalty has been imposed has no residence in the Republic of Lithuania or the legal person has no registered seat in the Republic of Lithuania, the financial penalty is recognised by the district court of the <i>place where the property or the principal part thereof</i> from which recovery may be sought <i>is located.</i></p> <p><u>Issuing state:</u></p> <p>Courts of general competence (district courts, county courts, the Court of Appeals of Lithuania and the Supreme Court of Lithuania)</p> <p><u>Central authority</u></p>	Lithuanian and english
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			<p>The Ministry of Justice of the Republic of Lithuania (Gedimino pr. 30/1, LT-01104, Vilnius, Lithuania. Tel. (370) 5266 2933 Fax (370) 5262 5940) See 14389/08</p>	
LUXEMBOURG	<p>Implemented</p> <p>Entry into force of legislation : 23 February 2010</p>	YES	<p>Competent authority as issuing and as executing state:</p> <p>Parquet Général Cité Judiciaire Bâtiment CR Bureau CR 4.22 L-2080 Luxembourg Tél.: +352 47 59 81 - 329 ou 393 Fax: + 352 47 05 05 parquet.general@justice.etat.lu</p>	

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HUNGARY	<p>Implemented</p> <p>Entry into force of legislation : 12 April 2007</p>	YES	<p>Regarding criminal offences where financial penalties are imposed Hungary has not designated any central authority.</p> <p>issuing authority: courts executing authority: courts (the residence of the defendant, the headquarter of the legal person, or in absence of these the location of the property subject to execution substantiate the jurisdiction of the <i>local court located at the seat of the county court, or, in Budapest the Buda Central District Court.</i>)</p> <p>Regarding administrative offences where fine is imposed the National Police Headquarters was designated by Hungary as the central authority for legal assistance in execution, i.e. in receiving and forwarding the legally binding decision imposing the fine.</p> <p>See 6356/2/09 REV 2 COPEN 31</p>	Hungarian
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MALTA	Implemented. The legislation entered into force on 6 November 2009 and started to apply to decisions issued after the 22 March 2007	YES	Court of Criminal Jurisdiction (see doc.: 5466/11 COPEN 5 EUROJUST 5 EJM 2)	Maltese or English
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THE NETHERLANDS	<p>Implemented</p> <p>Entry into force of legislation: 1 December 2007</p>	Yes	<p>Public prosecutor at the Leeuwarden District Public Prosecutor's Office. Competent authority responsible for the administrative transmission and reception of the decisions: Centraal Justitiele Incassobureau Europese geldelijke sancties P.O. Box 185, 8900 AD Leeuwarden tel. +31 (0)58 2533700</p> <p>mail: centralauthority@cjib.minjus.nl See doc. 5388/08 COPEN 6</p>	<p>Dutch or English, certificates in another official language of the Member States of the European Union will be accepted on condition that they are accompanied by a translation into English.</p> <p>See doc. 5388/08 COPEN 6</p>
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AUSTRIA	<p>Implemented</p> <p>Entry into force of legislation : 1 July 2007</p>	YES	<p>1/ The regional court within whose district the natural or legal person against whom the decision has been made is permanently or otherwise resident. A list of competent regional courts and their addresses is given in Annex II to doc 7026/1/08 REV 1 COPEN 39</p> <p>2/The district administrative authority or federal police department within whose district the natural or legal person against whom the decision has been made is permanently or otherwise resident. A list of competent district administrative authorities and federal police departments and their addresses is given in Annex III to doc 7026/1/08 REV1 COPEN 39</p>	<p>German or certificates in other languages will be accepted on a reciprocal basis.</p> <p>See: 7026/1/08 REV1 COPEN 39</p>
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POLAND	<p>Implemented</p> <p>Entry into force of legislation: 18 December 2008</p>	Yes	<p>1. acting as issuing authority: competent regional and district courts.</p> <p>2. acting as executing authority: competent district courts.</p> <p>A list of competent district administrative authorities and federal police departments and their addresses is given in Annex III to doc 17227/10 COPEN 277 EJM 76 EUROJUST 145.</p>	polish
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PORTUGAL	<p>Implemented</p> <p>Entry into force of legislation: 1st November 2009</p>	YES	<p>1. Acting as issuing authority: a) The Court which has pronounced the decision; or b) When the decision has been taken by an administrative authority, the Court competent for its execution.</p> <p>2. Acting as executing authority: a) The Court of the habitual residence area or of registered office whether the person concerned is a physical or legal person; b) If the habitual residence or registered office is not known, the Court of the location of the property or of the place of the source of the income of the person concerned.</p>	Portuguese. Certificates in another official language of European Union institutions will be accepted if Portugal declares so.
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ROMANIA	<p>Implemented</p> <p>Entry into force of legislation: 13 November 2008</p>	YES	<p>Starting to January 2009 the coordinates of the <u>central authority</u> are:</p> <p>Ministry of Justice Direcția Drept internațional și Cooperare Judiciară (Directorate of International Law and Judicial Cooperation) Serviciul Cooperare judiciară internațională în materie penală (Division for international judicial cooperation in criminal matters) Strada Apolodor 17, Sector 5 București, Cod 050741 Tel: 0040 37204 1077 (director office) 0040 37204 1081 (Division for international judicial cooperation in criminal matters) Fax: 0040 37204 1079 E-mail: dreptinternational@just.ro</p> <p><u>Issuing authorities:</u> the courts.</p> <p><u>Executing authorities:</u></p>	
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			<p>the courts in the circumscription of which the person has her or his domicile or the legal entity has the its headquarters, depending of the material competence of the courts.</p> <p>(for a detailed list: see 16283/08 COPEN 235 + 6451/09 COPEN 34)</p>	
SLOVENIA	<p>Implemented</p> <p>Entry into force of legislation: 25 October 2007</p>	YES	<p>District Courts or Local Courts</p> <p>(for a detailed list: see 13174/08 COPEN 161)</p>	<p>Slovenian or English</p> <p>(see 13174/08 COPEN 161)</p>
SLOVAKIA	(The entry into force is expected for 1st April 2011)			

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FINLAND	<p>Implemented</p> <p>Entry into force of legislation: 22 March 2007</p>	YES	<p>Legal Register Centre :</p> <p>Address: Legal Register Centre Linnankatu 3b P.O. Box 157 FI-13101 Hämeenlinna Finland Tel. +358 10 36 65631 Fax +358 10 36 65703 e-mail : oikeusrekisterikeskus@om.fi</p> <p>(see 7965/07 COPEN 40)</p>	<p>Finnish, Swedish or English. Finland may also accept certificates provided in a different language if there are no obstacles for such acceptances.</p> <p>(see 7965/07 COPEN 40)</p>
SWEDEN	<p>Implemented</p> <p>Entry into force of legislation: 30 December 2009</p>	YES	<p>Address of the Competent Authority: Kronofogdemyndigheten (The Swedish Enforcement Authority) Östra enheten 5 106 65 Stockholm SWEDEN Tel.: +46 10 578 3070 Fax: +46 10 578 3390 E-mail: kronofogdemyndigheten@kronofogden.se</p> <p>(see 16720/10 COPEN 264)</p>	<p>Swedish, Danish, Norwegian or English</p> <p>(see 16720/10 COPEN 264)</p>

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UNITED KINGDOM	Implemented Entry into force of legislation: 1 October 2009	YES	As issuing and executing state: - A magistrates' court (England and Wales) - A sheriffs court or JP Court (Scotland) - The Crown Court, a magistrates' court and any appellate court (Northern Ireland) (see 16457/09 COPEN 234)	English
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