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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	14349/16
Subject:	Implementation of Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence - Information provided to the General Secretariat

Delegations will find attached a table with information about the state of play concerning the implementation of Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (OJ L 196, 2.8.2003, p.45).

The information is based on information provided by Member States to the Council General Secretariat, to which reference is made in the last column.

In accordance with Article 14, the Framework Decision should have been implemented by 2 August 2005.

According to the information received so far, 26 Member States (BE, BG, CZ, DK, DE, EL, ES, EE, FR, HR, IE, IT, CY, LV, LT, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI, SE) have implemented the Framework Decision in their national legal order and have made the necessary notifications/declarations.¹ The UK has also implemented the Framework Decision.

The information in the table is a summary of the information received: 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 21 February 2020. Any comments or suggestions for improvement should be sent to steven.cras@consilium.europa.eu.

Please note that all information relating to the implementation of the Framework Decision can also be found on the website of the European Judicial Network (EJN):

https://www.ejn-crimjust.europa.eu/ejn/EJN_Library_StatusOfImpByCat.aspx?l=EN&CategoryId=24

¹ A notification from LU is missing.
NB: in respect of certain Member States, some information is missing (see table).

**Framework Decision 2003/577/JHA of 22 July 2003
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Member State	State/date of implementation of Framework Decision	Competent authorities for execution	Notification re Article 9(3) (languages) and nr. doc (if any)
BELGIUM	Implemented Entry into force of legislation: 17 September 2006	Public Prosecutor	French, Dutch, German and English 14228/06
BULGARIA	Implemented Entry into force of legislation : 25 July 2006	Sofia City Court	Bulgarian
CZECH REPUBLIC	Implemented Entry into force of legislation: 1 July 2006 Entry into force of <i>new</i> legislation: 1 January 2014	The Prosecutor of the Regional Prosecutor's office (including Prague Municipal Prosecutor's Office) within which region is the property concerned by the freezing order situated	Czech Certificates from Slovakia in Slovak and from Austria in German provided that reciprocity is granted 11811/06
DENMARK	Implemented Entry into force of legislation: 22 December 2004	Local Chief of Police Local Prosecutor	Danish
DEUTSCHLAND / GERMANY	Implemented (Act of 6 June 2008) Entry into force of legislation: 30 June 2008	State prosecutor	German and Official language of other member States which accept freezing orders in German 9309/10

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ESTONIA	Implemented Entry into force of legislation : 19 June 2008	Prosecutor General's Office	Estonian, English
ELLAS - GREECE	Implemented Entry into force of legislation : 1 March 2018	Public Prosecutor	Greek 5939/20
ESPANA - SPAIN	Implemented Entry into force of legislation: 7 June 2006 Entry into force of Organic Law 23/2014 on mutual recognition of judicial decisions in criminal matters in the EU: 21 November 2014	The examining magistrate ("Juez de instrucción") in which jurisdiction the property or evidence is located, and public prosecutors for those freezing evidence orders within their competence.	Spanish 8138/15 and 8720/15.
FRANCE	Implemented (Act nr. 2005-750 of 4.7.2005)	Prosecutors, investigating magistrates, judges for liberties and detention according to internal rules of competence and depending on the purpose of the request	French
HRVATSKA / CROATIA	Implemented (as part of the acquis): Entry into force of legislation: 1 July 2013	County state attorney`s offices according to the place where property or objects are placed or where a person has a registered residence or whereabouts.	Croatian In urgent cases accept translation in English on condition of reciprocity 12335/14

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IRELAND	Implemented: Criminal Justice (Mutual Assistance) Act 2008. Entry into force of legislation: 1 September 2008	Central Authority (see Art. 4.2): Mutual Assistance and Extradition Division, Department of Justice, Equality and Law Reform (see address in 17405/08)	Irish, English 17405/08
ITALY	Implemented (Legislative decree no. 35 of 15 February 2016) Entry into force of legislation: 26 March 2016	Public prosecutor. See explanation and list of competent authorities in 6982/17.	Italian 6982/17
KYPROS / CYPRUS	Implemented Entry into force of legislation: 25 June 2010	Unit of Combating Money Laundering (MOKAS), Attorney General's Office (Orders freezing property)	Greek, English
LATVIA	Implemented. Entry into force of legislation : 1 January 2008.	General Prosecutor's Office	Latvian and English 13688/08
LITHUANIA	Implemented. Entry into force of legislation: 21 July 2007	The regional prosecutor offices, or The General Prosecutor's Office (see 11507/17)	Lithuanian 11507/17
LUXEMBOURG			
MAGYARORSZÁG / HUNGARY	Implemented Entry into force of legislation: 5 November 2005	Ministry of Justice and Law enforcement	Hungarian 11960/05

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MALTA	Implemented Entry into force of legislation: 7 December 2007	Attorney General's Office	Maltese and English
NETHERLANDS	Implemented (law adopted on 16 June 2005) Entry into force of legislation: 1 August 2005	International Legal Assistance Centres (competent authorities: prosecutors and investigating judges)	Dutch and English Certificates in other languages will be also accepted if accompanied by translation into English 11729/05 and 11730/05
ÖSTERREICH/AUSTRIA	Implemented Entry into force of legislation: 2 August 2005	Regional Court ("Gerichtshof erster Instanz")	German, other languages on the basis of reciprocity 16187/06
POLAND	Implemented (law adopted on 7 July 2005) Entry into force of legislation: 2 August 2005	- At trial stage: District Court ("sąd rejonowy") - At pre-trial stage: Circuit Prosecutor Office ("prokuratura okręgowa")	Polish 7199/06
PORTUGAL	Implemented Entry into force of legislation : 5 June 2009	XX	Portuguese

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ROMANIA	Law No 222 of 24 October 2008 Entry into force of legislation: 13 November 2008 Amended and supplemented by Law No 300, published in Official Gazette of Romania on 11 December 2013	Ministry of Justice Directorate for International Law and Judicial Cooperation Division for international judicial cooperation in criminal matters	Romanian
SLOVENIA	Implemented Entry into force of legislation: 25 November 2007 Replaced by Act on International Cooperation in Criminal matters between the MSs of the EU Entry into force: 20 September 2013	Investigating judges at district courts See doc. 8549/08	Slovenian and English 8549/08 and 17989/13
SLOVAKIA	Implemented Entry into force of legislation: 1 January 2006	District prosecutors	Slovak The Slovak Republic will accept certificates under this legal act in respect of the Czech Republic in Czech. 11319/15

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SUOMI / FINLAND	Implemented Entry into force of legislation: 2 August 2005	Same prosecutors as for EAW	Finnish, Swedish, English or a translation in one of those languages. The competent prosecutor may also accept a certificate provided in a different language if there are no obstacles to such acceptance. 12022/05
SWEDEN	Implemented Entry into force of legislation: 1 July 2005	The public prosecutors at the international public prosecution offices are competent within their regions to deal with cases on freezing. Some specially authorized prosecutors at the Swedish Economic Crimes Authority are also competent to deal with cases concerning qualified economic criminality. Outside office hours regular duty and stand-by prosecutors are competent to handle cases on freezing.	Declaration made pursuant Article 9(3): yes Swedish, Danish, Norwegian, English 11191/05 and 11728/05

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UNITED KINGDOM	<p>Implemented those parts of the FD relating to the freezing of evidence.</p> <p>Work to implement the Framework Decision in relation to property is ongoing. Strong legislation is already in place which provides for international co-operation in both the freezing and confiscation of criminal assets (Part 11 of The Proceeds of Crime Act 2002, and supporting Orders in Council).</p>	<p>Central Authority (see Art. 4.2):</p> <ul style="list-style-type: none"> - UK Central Authority - Scotland: International Co-operation Unit <p>(see addresses in doc. 5254/10)</p>	<p>English or accompanied by an English translation.</p> <p>5254/10</p>