



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.4.2004  
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**COMMISSION STAFF WORKING PAPER**

**Annex to the**

**REPORT FROM THE COMMISSION**

**based on Article 6 of the Council Framework Decision of 26 June 2001 on money laundering,  
the identification, tracing, freezing, seizing and confiscation of instrumentalities and the  
proceeds of crime**

{COM(2004)230 final}

<b>Member State</b>	<b>Article 1 (a) (Reservations to Art.2 of the 1990 Convention)</b>	<b>Article 1(b) (Reservations to Art.6 of the 1990 Convention)</b>	<b>Article 2 (Penalties)</b>	<b>Article 3 (Value confiscation)</b>	<b>Article 4 (Processing of requests for mutual assistance)</b>	<b>Article 7 (Territorial application)</b>
<b>Austria</b>	No reservation	No reservation	Information not provided	Information not provided	Information not provided	Not relevant
<b>Belgium</b>	No reservation	No reservation	Art.505 Penal Code	<i>Domestic proceedings:</i> Art.43bis, in relation to Art.42(3) Penal Code <i>External requests:</i> Law of May 20 <sup>th</sup> 1997 on International Co-operation on the execution of seizure and confiscation	Law of May 20 <sup>th</sup> 1997 on International co-operation as regards the execution of seizing and confiscation	Not relevant
<b>Denmark</b>	No reservation	Reservation withdrawn the 6/7/2001	Section 290 Penal Code	<i>Domestic proceedings:</i> Sections 75,76 and 76a Penal Code <i>External requests:</i> Sections 4, 5a, 6 and 7 Act n° 323 of 4 June 1986 on the International Enforcement of Criminal Law	Act n°323 of 4 June 1986 on the International enforcement of criminal law	Not relevant
<b>Finland</b>	No reservation	No reservation	Section 6 and 7 of Chapter 32 of the Criminal Code	<i>Domestic proceedings:</i> Criminal Code Chapter 10 Sections 2,4,5,8 <i>External requests:</i> Act on International Co-operation N° 21/1987; Act on Nordic Co-operation in criminal matters N°326/1963	International legal assistance in criminal matters Act N°4/1994	Not relevant
<b>France</b>	No reservation	No reservation	Articles.324-1, 324-2, 324-4 Penal Code	<i>Domestic proceedings:</i> Art.131-21, 324-7 (8°)(12°), 324-9, 131-391Criminal Code <i>External requests:</i> Articles 9 to 16 Act n°96-392 13/3/1996 on money laundering, drug trafficking, and International co-operation in seizing and confiscation of the proceeds of crime	Transposing provision not forwarded	Not relevant
<b>Germany</b>	No reservation	Reservation	Section 261 Penal Code	<i>Domestic proceedings:</i> Section 73a Criminal Code <i>External requests:</i> Section 48 International Judicial Assistance in Criminal Matters Act	Sections 16(1) and 22(1) Directives for International Co-operation in criminal matters (not mandatory)	Not relevant
<b>Greece</b>	Reservation	Reservation	Transposing provision not forwarded	Transposing provision not forwarded	Transposing provision not forwarded	Not relevant

<b>Member State</b>	<b>Article 1 (a) (Reservations to Art.2 of the 1990 Convention)</b>	<b>Article 1(b) (Reservations to Art.6 of the 1990 Convention)</b>	<b>Article 2 (Penalties)</b>	<b>Article 3 (Value confiscation)</b>	<b>Article 4 (Processing of requests for mutual assistance)</b>	<b>Article 7 (Territorial application)</b>
<b>Ireland</b>	Reservation	No reservation	Section 31 Criminal Justice Act 1994	<i>Domestic proceedings:</i> Criminal Justice Act 1994 Sections 3, 6, and 9 <i>External requests:</i> Part VII (International Co-operation) Criminal Justice Act 1994	Part VII Criminal justice Act 1994	Not relevant
<b>Italy</b>	No reservation	Reservation	Transposing provision not forwarded	<i>Domestic proceedings:</i> Art.322-ter Criminal Code.Art.19(2) DL 8 June 2001, n.231 on administrative liability of legal persons.[Draft Bill n.2351/S, 26 June 2003 will extend the cases of compulsory and value confiscation] <i>External requests:</i> Art.735-bis Code of Criminal Procedure	Transposing provisions not forwarded	Not relevant
<b>Luxembourg</b>	Reservation	Reservation	Art.506-1 Penal Code	<i>Domestic proceedings:</i> Art.8.2 Law of 19/2/1973 on the sale of medicinal substances and the fight against drug- addiction. Article 32-1Penal Code (money laundering). [Provided draft bill N°5019 will amend Article 31 of the Penal Code to generalise the possibility of value confiscation.] <i>External proceedings:</i> No transposing provisions mentioned. [Draft bill provides for a new Title in the Criminal Procedure Code on Exequatur requests of foreign confiscation decisions.]	Transposing provision not forwarded	Not relevant
<b>Netherlands</b>	Reservation	Reservation	Art.420bis Penal Code	<i>Domestic proceedings:</i> Art.36e in relation to Arts.33 and 33a Penal Code. Title 3 Book 4 Code of Criminal Procedure <i>External requests:</i> Arts 2,15,17,18,31,31a and 33 Enforcement of Criminal Judgements Act of 10 September 1986	Transposing provision not forwarded	Not relevant
<b>Portugal</b>	No reservation	Reservation	Information not provided	Information not provided	Information not provided	Not relevant
<b>Spain</b>	No reservation	No reservation	Art.301 Penal Code	<i>Domestic proceedings:</i> Provided draft legislation will address this issue by amending Art 127 of the Penal Code	Transposing provision not forwarded	Not relevant

<b>Member State</b>	<b>Article 1 (a) (Reservations to Art.2 of the 1990 Convention)</b>	<b>Article 1(b) (Reservations to Art.6 of the 1990 Convention)</b>	<b>Article 2 (Penalties)</b>	<b>Article 3 (Value confiscation)</b>	<b>Article 4 (Processing of requests for mutual assistance)</b>	<b>Article 7 (Territorial application)</b>
				<i>External proceedings:</i> Transposing provisions not forwarded		
<b>Sweden</b>	Reservation	Reservation withdrawn the 1st July 1999	Chapter 9 Sections 6 and 6a Penal Code	<i>Domestic proceedings:</i> Chapter 36 of the Penal Code; Narcotic Drugs Act Section 6, Law on penalties for smuggling section 16, Law on the prohibition of certain doping agents Section 5 <i>External requests:</i> Act on International Co-operation in the Enforcement of Criminal Judgements (SFS 1972:260)	Chapter 2, Section 10 Act on international assistance in criminal matters (SFS 2000:562) Act on International co-operation in the enforcement of criminal judgements (SFS 1972:260) (confiscation)	Not relevant
<b>United Kingdom</b>	Reservation withdrawn the 16/9/99	Reservation withdrawn the 1/9/95	S334(1) in relation to sections 327,328 and 329 Proceeds of Crime Act 2002	<i>Domestic proceedings:</i> Parts 2 (England and Wales), 3 (Scotland) and 4 (Northern Ireland) Proceeds of crime Act 2002 <i>External requests:</i> Sections 39-40 Drug Trafficking Act 1994.Sections 96-97 Criminal Justice Act 1988 in relation to Section 13 Statutory Instrument 2003 No.333 (Proceeds of Crime Act 2002 (Commencement No.5 Transitional Provisions, Savings and Amendment) Order 2003) and Section 444 Proceeds of Crime Act 2002	Sections 4 and 7 Criminal Justice (International Co-operation) Act 1990. (For confiscation cfr. legislation mentioned under Art.3 <i>External requests</i> )	Transposing provision not forwarded