

ANNEX 46**FREEZING AND CONFISCATION****Freezing / Provisional Measures
Request Form****SECTION A**

Requesting State:

.....

Requested State:

.....

SECTION B: Urgency

Grounds for urgency and/or requested date of execution:

Time limits for execution of the freezing request are set out in Article 663 of the Agreement. However, if a shorter or specific time limit is necessary, please provide the date and explain the reason for this:

SECTION C: Relevant persons

State all information, as far as known, regarding the identity of the (1) natural or (2) legal person(s) concerned in the freezing request or of the person(s) that owns/own the property that is covered by the freezing request (if more than one person is concerned, please provide the information for each person):

1. Natural person:

Name:

First name(s):

Other relevant name(s), if applicable:

Aliases, if applicable:

Sex:

Nationality:

Identity number or social security number:

Type and number of the identity document(s) (ID card, passport), if available:

Date of birth:

Place of birth:

Residence and/or known address; if address not known, state the last known address:

Language(s) which the person understands:

Please indicate whether this person has the freezing request directed against him or her or owns the property that is covered by the freezing request:

2. Legal person:

Name:

Form of legal person:

Shortened name, commonly used name or trading name, if applicable:

Registered seat:

Registration number:

Address of the legal person:

Name of the legal person's representative:

Please indicate whether this legal person has the freezing request directed against it or owns the property that is covered by the freezing request:

If different from the address above, please give the location where the freezing measure is to be carried out:

3. Third parties:

- (i) Third parties whose rights in relation to the property that is covered by the freezing request are directly prejudiced by the request (identity and grounds), if applicable:
- (ii) In case third parties have had the opportunity to claim rights, attach documents demonstrating that this has been the case.

4. Provide any other information that will assist with the execution of the freezing request:

SECTION D: Relevant Property

State all information, as far as known, regarding the assets subject of the freezing request.
Please provide details of all property and individual items where applicable:

1. If relating to an amount of money:
 - (i) Grounds for believing that the person has property/income in the requested State
 - (ii) Description and location of the property/source of income of that person
 - (iii) Exact location of the property/source of income of that person
 - (iv) Details of the bank account of that person (if known)
2. If the freezing request concerns specific item(s) of property (or property of equivalent value to such property):
 - (i) Grounds for believing that the specific item(s) of property is located in the requested State
 - (ii) Description and location of the specific item(s) of property
 - (iii) Other relevant information
3. Total amount requested for freezing or execution in the requested State (in figures and words, indicate currency):

3. The following applies only in the case(s) where both the requesting and requested State have made a notification under Article 670(2) of the Agreement: if applicable, tick one or more of the following offences, as defined by the law of the requesting State, punishable in the requesting State by a custodial sentence or detention order for a maximum period of at least three years. Where the freezing request or order concerns several criminal offences, please indicate numbers in the list of criminal offences below (corresponding to the criminal offences as described under points 1 and 2 above):
- ☐ participation in a criminal organisation
 - ☐ terrorism as defined in Annex 45
 - ☐ trafficking in human beings
 - ☐ sexual exploitation of children and child pornography
 - ☐ illicit trafficking in narcotic drugs and psychotropic substances
 - ☐ illicit trafficking in weapons, munitions and explosives
 - ☐ corruption, including bribery
 - ☐ fraud, including that affecting the financial interests of the United Kingdom, a Member State or the Union
 - ☐ laundering of the proceeds of crime
 - ☐ counterfeiting currency
 - ☐ computer-related crime
 - ☐ environmental crime, including illicit trafficking in endangered animal species and endangered plant species and varieties
 - ☐ facilitation of unauthorised entry and residence
 - ☐ murder
 - ☐ grievous bodily injury

- ☐ illicit trade in human organs and tissue
- ☐ kidnapping, illegal restraint and hostage-taking
- ☐ racism and xenophobia
- ☐ organised or armed robbery
- ☐ illicit trafficking in cultural goods, including antiques and works of art
- ☐ swindling
- ☐ racketeering and extortion
- ☐ counterfeiting and piracy of products
- ☐ forgery of administrative documents and trafficking therein
- ☐ forgery of means of payment
- ☐ illicit trafficking in hormonal substances and other growth promoters
- ☐ illicit trafficking in nuclear or radioactive materials
- ☐ trafficking in stolen vehicles
- ☐ rape
- ☐ arson
- ☐ crimes within the jurisdiction of the International Criminal Court
- ☐ unlawful seizure of aircraft, ships or spacecraft
- ☐ sabotage

4. Any other relevant information (e.g. relation between the property and the criminal offence):

SECTION F: Confidentiality

- ☐ Need to maintain the information in the request confidential after execution:
- ☐ Need for specific formalities at the time of execution:

SECTION G: Requests to more than one State

Where a freezing request has been transmitted to more than one State, provide the following information:

1. A freezing request has been transmitted to the following other State(s) (State and authority):
2. Please indicate the reasons for transmitting freezing requests to multiple States:
3. Value of assets, if known, in each requested State:
4. Please indicate any specific needs:

SECTION H: Relation to earlier freezing requests or orders

If applicable, provide information relevant to identify previous or related freezing requests:

1. Date of request or issue and transmission of order:
2. Authority to which it was transmitted:
3. Reference given by the issuing and executing authorities:

SECTION I: Confiscation

This freezing request is accompanied by a confiscation order issued in the requesting State (reference number of the confiscation order):

- ☐ Yes, reference number:
- ☐ No

The property shall remain frozen in the requested State pending the transmission and execution of the confiscation order (estimated date for submission of the confiscation order, if possible):

SECTION J: Legal remedies (if applicable)

Please indicate if a legal remedy can be sought in the requesting State against the issuing of a freezing request/order, and if so please provide further details (description of the legal remedy, including necessary steps to take and deadlines):

SECTION K: Issuing Authority

If there is a freezing order in the requesting state upon which this freezing request is based, please provide the following details:

1. Type of issuing authority:

- ☐ judge, court, public prosecutor
- ☐ another competent authority designated by the requesting State

2. Contact details:

Official name of the issuing authority:

Name of its representative:

Post held (title/grade):

File no:

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

Languages in which it is possible to communicate with the issuing authority:

Signature of the issuing authority and/or its representative certifying the content of the Freezing/Provisional Measures Request Form as accurate and correct:

Name:

Post held (title/grade):

Date:

Official stamp (if available):

SECTION L: Validating Authority

Please indicate the type of authority which has validated the Freezing/Provisional Measures Request Form, if applicable:

- ☐ judge, court, public prosecutor
- ☐ another competent authority designated by the requesting State

Official name of the validating authority:

Name of its representative:

Post held (title/grade):

File no:

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

Languages in which it is possible to communicate with the competent authority:

SECTION M: Central Authority

Please indicate the central authority responsible for the administrative transmission and receipt of freezing requests in the requesting State:

Official name of the central authority:

Name of its representative:

Post held (title/grade):

File no:

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

Languages in which it is possible to communicate with the competent authority:

SECTION N: Further information

1. Please indicate if the main contact point in the requesting State should be the:

- ☐ issuing authority
- ☐ competent authority
- ☐ central authority

2. If different from above, please provide the contact details of the person(s) to contact for additional information regarding this freezing request:

Name/Title/Organisation:

Address:

E-mail/Contact Phone No:

SECTION O: Annexes

The original or duly authenticated copy of the freezing order must be provided with the Freezing/Provisional Measures Request Form if a freezing order has been issued in the requesting State.

Confiscation Request Form

SECTION A

Requesting State:

.....

Requested State:

.....

SECTION B: Confiscation order

Date of issue:

.....

Date order became final:

.....

Reference number:

.....

Total amount of order in figures and words, indicate currency

Amount requested for execution in requested State, or if specific type(s) of property, description and location of property

Please provide details of the court findings in relation to the confiscation order:

- ☐ property is the proceeds of an offence, or equivalent to the full or part of the value of such proceeds
- ☐ property constitutes instrumentalities of such an offence
- ☐ property is liable to extended confiscation
- ☐ property is subject to confiscation under any other provisions relating to powers of confiscation, including confiscation without a final conviction, under the law of the requesting State following proceedings in relation to a criminal offence

SECTION C: Affected persons

State all information, as far as known, regarding the identity of the (1) natural or (2) legal person(s) affected by the confiscation request (if more than one person is concerned, please provide the information for each person):

1. Natural person:

Name:

First name(s):

Other relevant name(s), if applicable:

Aliases, if applicable:

Sex:

Nationality:

Identity number or social security number:

Type and number of the identity document(s) (ID card, passport), if available:

Date of birth:

Place of birth:

Residence and/or known address; if address not known, state the last known address:

Language(s) which the person understands:

Please indicate whether this person has the confiscation request directed against him or her or owns the property that is covered by the confiscation request:

2. Legal person:

Name:

Form of legal person:

Shortened name, commonly used name or trading name, if applicable:

Registered seat:

Registration number:

Address of the legal person:

Name of the legal person's representative:

If different from the address above, please give the location where the confiscation request is to be carried out:

3. Third parties:

(i) Third parties whose rights in relation to the property that is covered by the confiscation request are directly prejudiced by the request (identity and grounds), if known/applicable:

(ii) In case third parties have had the opportunity to claim rights, attach documents demonstrating that this has been the case.

4. Provide any other information that will assist with the execution of the confiscation request:

SECTION D: Affected Property

State all information, as far as known, regarding the assets subject to the confiscation. Please provide details of all property and individual items where applicable:

1. If relating to amount of money:
 - (i) Grounds for believing that the person has property/income in the requested State:
 - (ii) Description and location of the property/source of income:
2. If the request concerns specific item(s) of property:
 - (i) Grounds for believing that the specific item(s) of property is/are located in the requested State:
 - (ii) Description and location of the specific item(s) of property:
3. Value of property:
 - (i) Total amount of request (approximate amount):
 - (ii) Total amount requested for execution in the requested State (approximate amount):
 - (iii) If specific type(s) of property, description and location of property:

SECTION E: Grounds for confiscation

Summary of the facts:

1. Set out the reasons why a confiscation order has been issued, including a summary of the underlying facts and grounds for confiscation, a description of offences, the reasons for any risk factors and any other relevant information (such as date, place and circumstances of the offence):
2. Nature and legal classification of the offence(s) in relation to which the confiscation order was issued and the applicable legal provision(s):

3. The following applies only in the case where both the requesting and requested State have made a notification under Article 670(2) of the Agreement: if applicable, tick one or more of the following offences, as defined by the law of the requesting State, punishable in the requesting State by a custodial sentence or detention order for a maximum period of at least three years. Where the confiscation order concerns several criminal offences, please indicate numbers in the list of criminal offences below (corresponding to the criminal offences as described under points 1 and 2 above):
- ☐ participation in a criminal organisation
 - ☐ terrorism as defined in Annex 45
 - ☐ trafficking in human beings
 - ☐ sexual exploitation of children and child pornography
 - ☐ illicit trafficking in narcotic drugs and psychotropic substances
 - ☐ illicit trafficking in weapons, munitions and explosives
 - ☐ corruption, including bribery
 - ☐ fraud, including that affecting the financial interests of the United Kingdom, a Member State or the Union
 - ☐ laundering of the proceeds of crime
 - ☐ counterfeiting currency
 - ☐ computer-related crime
 - ☐ environmental crime, including illicit trafficking in endangered animal species and endangered plant species and varieties
 - ☐ facilitation of unauthorised entry and residence
 - ☐ murder
 - ☐ grievous bodily injury

- ☐ illicit trade in human organs and tissue
- ☐ kidnapping, illegal restraint and hostage-taking
- ☐ racism and xenophobia
- ☐ organised or armed robbery
- ☐ illicit trafficking in cultural goods, including antiques and works of art
- ☐ swindling
- ☐ racketeering and extortion
- ☐ counterfeiting and piracy of products
- ☐ forgery of administrative documents and trafficking therein
- ☐ forgery of means of payment
- ☐ illicit trafficking in hormonal substances and other growth promoters
- ☐ illicit trafficking in nuclear or radioactive materials
- ☐ trafficking in stolen vehicles
- ☐ rape
- ☐ arson
- ☐ crimes within the jurisdiction of the International Criminal Court
- ☐ unlawful seizure of aircraft, ships or spacecraft
- ☐ sabotage

4. Any other relevant information (e.g. relation between the property and the criminal offence):

SECTION F: Confidentiality

- ☐ Need to maintain the information in the request or part of it confidential

Please indicate any relevant information:

SECTION G: Requests to more than one State

Where a confiscation request has been transmitted to more than one State, provide the following information:

1. A confiscation request has been transmitted to the following other State(s) (State and authority):
2. Reasons for transmitting confiscation request to multiple States (select appropriate reasons):
 - (i) If a request concerns specific items of property:
 - ☐ Different items of property covered by the request are believed to be located in different States
 - ☐ The confiscation request relates to a specific item of property and requires action in more than one State

(ii) If the confiscation request concerns an amount of money:

- ☐ The estimated value of the property which may be confiscated in the requesting State and in any one requested State is not likely to be sufficient to cover the full amount set out in the order
- ☐ Other specific needs:

3. Value of assets, if known, in each requested State:

4. If confiscation of the specific item(s) of property requires action in more than one State, description of the action to be taken in the requested State:

SECTION H: Conversion and transfer of property

1. If the confiscation request concerns a specific item of property, confirm whether the requesting State allows for the confiscation in the requested State to take the form of a requirement to pay a sum of money corresponding to the value of the property:

☐ Yes
☐ No
2. If the confiscation concerns an amount of money, state whether property, other than money obtained from the execution of the confiscation request, may be transferred to the requesting State:

☐ Yes
☐ No

SECTION I: Imprisonment in default or other measures restricting the liberty of a person

Please indicate whether the requesting State allows for the application by the requested State of imprisonment in default or other measures restricting the liberty of a person where it is not possible to execute the confiscation request, either wholly or partially:

- ☐
- Yes
-
- ☐
- No

SECTION J: Restitution or victim compensation**1. Please indicate, where relevant:**

- ☐ An issuing authority or another competent authority of the requesting State has issued a decision to compensate the victim with, or restitute to the victim, the following sum of money:

- ☐ An issuing authority or another competent authority of the requesting State has issued a decision to restitute the following property other than money to the victim:

2. Details of the decision to restitute property to, or compensate, the victim:

Issuing authority (official name):

Date of the decision:

Reference number of the decision (if available):

Description of the property to be restituted or amount awarded in compensation:

Name of the victim:

Address of the victim:

SECTION K: Legal remedies

Please indicate if a legal remedy has already been sought against the issuing of a confiscation order, and if so please provide further details (description of the legal remedy, including necessary steps to take and deadlines):

SECTION L: Issuing Authority

Please provide details on the authority which issued the confiscation request in the requesting State:

1. Type of the issuing authority:

- ☐ judge, court, public prosecutor
- ☐ another competent authority designated by the requesting State

2. Contact details:

Official name of the issuing authority:

Name of its representative:

Post held (title/grade):

File no:

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

Languages in which it is possible to communicate with the issuing authority:

Signature of the issuing authority and/or its representative certifying the content of the Confiscation Request Form as accurate and correct:

Name:

Post held (title/grade):

Date:

Official stamp (if available):

SECTION M: Validating Authority

Please indicate the type of authority which has validated the Confiscation Request Form, if applicable:

- ☐ judge, court, public prosecutor
- ☐ another competent authority designated by the issuing State

Official name of the validating authority:

Name of its representative:

Post held (title/grade):

File no:

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

Languages in which it is possible to communicate with the competent authority:

SECTION N: Central Authority

Please indicate the central authority responsible for the administrative transmission and receipt of the Confiscation Request Form in the requesting State:

Official name of the central authority:

Name of its representative:

Post held (title/grade):

File no:

Address:

Tel. No: (country code) (area/city code)

Fax No: (country code) (area/city code)

E-mail:

Languages in which it is possible to communicate with the competent authority:

SECTION O: Further information

1. Please indicate if the main contact point in the requesting State should be the:

- ☐ issuing authority
- ☐ competent authority
- ☐ central authority

2. If different from above, please provide the contact details of the person(s) to contact for additional information regarding this Confiscation Request Form:

Name/ Title/ Organisation:

Address:

E-mail/Contact Phone No:

SECTION P: Annexes

The original or duly authenticated copy of the confiscation order must be provided with the Confiscation Request Form.
