Payment of fines

The principle of mutual recognition covers also the execution of financial penalties in cross-border cases by facilitating the enforcement of such penalties in a Member State other than the State in which the penalties are imposed.

EU law, namely Framework Decision 2005/214/JHA, applies the principle of mutual recognition to financial penalties, enabling a judicial or administrative authority to transmit a financial penalty directly to an authority in another EU country and to have that penalty recognised and executed without any further formality.

The principle applies to all offences in relation to which financial penalties can be imposed and dual criminality checks are abolished in relation to 39 listed offences (e.g. participation in a criminal organization, terrorism, trafficking in human beings, rape, theft, road traffic offences). The penalties must be imposed by the judicial or administrative authorities of the Member States and this decision must be final, i.e. there is no longer any possibility to appeal the decision.

A decision, together with a certificate PDF (107 Kb) en as provided for in the Framework Decision may be transmitted to the competent authorities of a Member State in which the natural or legal person against whom a decision has been passed has property or income, is normally resident or has its registered seat. Each Member State designates one (or more) authority that is competent under its national law for the management of the transmission of decisions on issuing financial penalties in cross-border cases. In 2017, at the initiative of certain Member States, 5 standardised forms were realised. They have a non-binding nature and they aim to facilitate the mechanism for the execution of cross-border financial penalties as laid down by the Framework Decision and would lead to reducing the financial and administrative burden linked to the procedure.

The state to which the decision was transmitted can only refuse to execute the decision in limited cases (e.g. if the certificate provided for is not produced, is incomplete; financial penalty is below EUR 70; person concerned was has limits for a legal remedy etc). The execution of the decision is governed by the law of the executing state. It can impose imprisonment or other penalties provided for by national law in the event of non-recovery of the financial penalty. Monies obtained from the enforcement of decisions will accrue to the executing state, unless otherwise agreed by the respective Member States.

To obtain more detailed information on implementation by the different Member States, please click here (you will be redirected to the dedicated page of the European Judicial Network in criminal matters).

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