



C/2026/1565

23.3.2026

Judgment of the Court (Fifth Chamber) of 29 January 2026 (request for a preliminary ruling from the Okrožno sodišče v Kopru – Slovenia) – S.H. d.o.o., M.A. d.o.o.

(Case C-562/24, ⁽¹⁾ Munik ⁽²⁾)

(Reference for a preliminary ruling – Judicial cooperation in criminal matters – Mutual recognition of confiscation orders – Framework Decision 2006/783/JHA – Article 8(2)(d) – Reason for non-recognition or non-execution – Rights of interested parties – Bona fide third parties – Mortgage creditor – Immovable property constituting the proceeds of the offence – Procedure for recognition and execution of a confiscation order – Judgment mortgage registered before the adoption of that order)

(C/2026/1565)

Language of the case: Slovenian

Referring court

Okrožno sodišče v Kopru

Parties to the main proceedings

Other parties: S.H. d.o.o., M.A. d.o.o.

Operative part of the judgment

Article 8(2)(d) of Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders, read in the light of Article 17(1) of the Charter of Fundamental Rights of the European Union,

must be interpreted as meaning that the competent judicial authority of the executing Member State may refuse to recognise or execute a confiscation order issued in another Member State in respect of immovable property which constitutes the ‘proceeds’ of a criminal offence, as defined in Article 2(e) of that framework decision, for the reason that the rights of a mortgage creditor make it impossible, on account of his or her status as a ‘bona fide third [party]’, within the meaning of Article 8(2)(d), to execute that order, where that creditor has registered a judgment mortgage against that immovable property in the executing Member State before the proceedings for recognition and execution of that order were brought in that Member State, it being understood that it is for the referring court to ascertain whether that creditor may be regarded as ‘bona fide’, within the meaning of that provision, taking into account all the circumstances surrounding the issue, in the executing Member State, of the enforcement order that gives rise to the mortgage claim.

⁽¹⁾ OJ C, C/2024/6915.

⁽²⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.