

Agreement No. 2

between

the Government of the Czech Republic

and

the Government of the Swiss Confederation

regarding the sharing of confiscated proceeds of crime or property

The Government of the Czech Republic, represented by the Ministry of Finance, and the Government of the Swiss Confederation, represented by the Federal Office of Justice, hereinafter referred to as "the Parties", or as "the Czech Republic" and "the Swiss Confederation" respectively,

considering that Mr. Adrian Wittmer has been convicted on November 24, 2014 by the criminal order of the Swiss Prosecution Office in Luzern, ref. No. URA 09 133 WK 3 ("the Criminal Order"), of the multiple illegal unfair competition criminal offences under Article 23(1) in connection with Article 3 points b) and h) of the Federal Act No. 241 of December 19, 1986, on Unfair Competition; and

considering that by the Criminal Order, the confiscation of 80 398,44 EUR held on the banking account at Reiffeisenbank, a.s., Hvězdova 1716/2b, Prague 4 which represent the proceeds of crime has also been ordered; and

considering that on January 15, 2018, the Federal Office of Justice has provided assurances in connection with the request of the Swiss Prosecution Office in Luzern of December 22, 2014 for the purposes of recognition and enforcement of the Criminal Order which was accepted by the Czech Minister of Justice on January 22, 2018, in accordance with Article 4 paragraph 1 of the Act No. 104/2013 Coll., on International Judicial Cooperation in Criminal Matters ("the Judicial Cooperation Act"); and

- considering that the High Court in Prague in its Judgment of September 13, 2018, ref. No. 14 To 97/2018, decided, in accordance with Article 124 of the Judicial Cooperation Act, to recognize and enforce the Criminal Order in the territory of the Czech Republic; and
- considering that under Article 135 of the Judicial Cooperation Act, the Czech Republic may, under certain circumstances, enter into agreements on sharing of confiscated assets, if provided for in a treaty or if the other Party has given an assurance of reciprocity; and
- considering the fact that there were no costs associated with the administration of the confiscated assets on the part of the Czech Republic; and
- acknowledging the good working relationship between the authorities responsible for mutual legal assistance in criminal matters of the Czech Republic and the Swiss Confederation,

have agreed as follows:

Article 1

The proportion of the confiscated assets mentioned in the Preamble to be shared under this Agreement has been determined and agreed upon by the Parties as one hundred percent (100%).

Article 2

The Czech Republic shall transfer all the confiscated assets in the amount of 80 398,44 EUR to the Swiss Confederation.

Article 3

The sum pursuant to Article 2 shall be transferred by the Czech Republic to the Swiss Confederation using the following details:

Bank:	Eidgenössische Finanzverwaltung / BJ Finanz- und Rechnungswesen 3003 Bern
Bank account:	15100.02902
IBAN:	CH71 0011 5001 5100 0290 2
SWIFT / BIC:	SNBZCHZZ80 A
Bank clearing:	100
Payment reference:	B-18-4112-1, internationales Sharing mit CZ

The costs of the transfer of the funds shall be borne by the Swiss Party.

Article 4

This Agreement shall enter into force upon signature by both Parties.

Done at Berne on 8 July 2020 in two originals in the English language.

For the Government
of the Czech Republic

Kateřina Fialková
Ambassador Extraordinary and
Plenipotentiary of the Czech Republic to
the Swiss Confederation

For the Government
of the Swiss Confederation

Laurence Fontana Jungo
Vice-Director of the Federal Office of Justice