



## Making it easier to confiscate crooks' assets EU wide

Committees Committee on Civil Liberties, Justice and Home Affairs [17-12-2013 - 11:52]

**Rules to make it easier for national authorities to trace, freeze, manage and confiscate criminals' assets across the EU were backed by the Civil Liberties Committee on Tuesday, endorsing an informal Parliament/Council deal struck on 27 November.**

"Today, less than 1% of the proceeds of crimes such as drug trafficking, counterfeiting, human trafficking and small arms smuggling are frozen and confiscated. Most of this 'dirty money' is laundered and channelled into the legal economy. The new directive will enable national authorities quickly to identify and trace such assets in order to freeze, manage and confiscate them consistently across the EU", said Parliament's rapporteur Monica Luisa Macovei (EPP, RO).

### Confiscating assets

The directive requires member states to enable the confiscation of criminal assets following a final conviction. It would also enable the authorities to confiscate assets even if the suspect or accused person is ill or has flown, e.g. through *in absentia* proceedings. Furthermore, a joint declaration by Parliament and Council asks the European Commission to study the feasibility of introducing "non-conviction based confiscation".

### Extending confiscation powers

Extended confiscation powers would be possible where a court, based on "specific facts and available evidence, such as that the value of the property is disproportionate to the lawful income of the convicted person, is satisfied that the property in question has derived from criminal conduct".

The agreement would allow member states' to confiscate assets acquired through similar crimes *inter alia* in cases of active and passive corruption in the private sector, active and passive corruption involving officials of EU institutions or of the member states, participation in a criminal organisation, child pornography or cybercriminality. The agreed text also includes a revision clause enabling the Commission to add new offences to the list of those to which extended confiscation may apply.

### Recovering assets from third parties

Confiscation from third parties would be permitted where the acquiring third party "knew or should have known that the purpose of the transfer or acquisition was to avoid confiscation, based on concrete facts and circumstances, including that the transfer was carried out for free or in exchange for an amount significantly lower than the market value".

### Safeguarding fundamental rights

The text provides for specific safeguards and judicial remedies to protect the fundamental rights of the persons affected and of crime victims.

### Social reuse of confiscated assets

Member states would be required to consider taking measures allowing the use of confiscated property for public interest or social purposes, says the agreed directive.

### Next steps

# Press release

The agreement should be put to a plenary vote in Parliament in February 2014 and formally approved by the Council shortly thereafter. Once approved, member states will have 30 months to transpose the directive into their national laws. Ireland will take part in these arrangements, while the UK and Denmark will not.

*Result of the vote: 44 votes in favour, one against and one abstention*

*In the chair: Kinga Gál (EPP, HU)*

## **Contact**

**Isabel Teixeira NADKARNI**

BXL: (+32) 2 28 32198

STR: (+33) 3 881 76758

PORT: (+32) 498 98 33 36

EMAIL: [libe-press@europarl.europa.eu](mailto:libe-press@europarl.europa.eu)

TWITTER: EP\_Justice