

Combating organised crime: confiscation of crime-related proceeds, instrumentalities and property. Framework Decision. Initiative Denmark

2002/0818(CNS) - 24/02/2005 - Final act

PURPOSE: Ensure that there are effective rules throughout the EU governing the confiscation of proceeds from crime.

LEGISLATIVE ACT: Council Framework Decision 2005/212/JHA.

CONTENT: The aim of this Framework Decision is to ensure that all Member States have effective rules governing the confiscation of proceeds from crime, particularly in relation to the onus of proof regarding the source of assets held by a person convicted of an offence related to organised crime.

In accordance with this Framework Decision, each Member State will take the necessary measures to enable it to confiscate, either wholly or in part, instrumentalities and proceeds from criminal offences punishable by deprivation of liberty for more than one year, or property the value of which corresponds to such proceeds.

In relation to tax offences, Member States may use procedures other than criminal procedures to deprive the perpetrator of the proceeds of the offence.

This Framework Decision does not modify the obligation to respect fundamental rights and principles, including the presumption of innocence, set out in Article 6 of the Treaty on European Union.

DATE OF IMPLEMENTATION: 15/03/2007.

ENTRY INTO FORCE: 15/03/2005.