













Procedure file

| Basic information | |
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| COD - Ordinary legislative procedure (ex-codecision procedure) Directive | 2022/0167(COD) Awaiting committee decision |
| Asset recovery and confiscation | |
| Subject 7.30.30 Action to combat crime 7.30.30.06 Action to combat economic fraud and corruption 7.30.30.08 Capital outflow, money laundering 7.40.04 Judicial cooperation in criminal matters | |
| Legislative priorities Joint Declaration 2023-24 Joint Declaration 2022 | |

| Key players | | | |
|-------------------------------|---|--|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| |  Civil Liberties, Justice and Home Affairs |  VINCZE Loránt | 10/10/2022 |
| | | Shadow rapporteur | |
| | |  CHINNICI Caterina  AZMANI Malik  LAGODINSKY Sergey  FEST Nicolaus  KANKO Assita  GUSMÃO José | |
| | Committee for opinion | Rapporteur for opinion | Appointed |
| |  Budgets |  GHEORGHE Vlad | 01/09/2022 |
| |  Legal Affairs (Associated committee) | | 26/10/2022 |
| | |  LAGODINSKY Sergey | |
| Council of the European Union | | | |
| European Commission | Commission DG Employment, Social Affairs and Inclusion Migration and Home Affairs | Commissioner | |


| Key events |
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| 25/05/2022 | Legislative proposal published | COM(2022)0245 | Summary |
| 22/06/2022 | Committee referral announced in Parliament, 1st reading | | |
| 15/12/2022 | Referral to associated committees announced in Parliament | | |

Technical information

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| Procedure reference | 2022/0167(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype | Legislation |
| Legislative instrument | Directive |
| Legal basis | Treaty on the Functioning of the EU TFEU 083-p2; Treaty on the Functioning of the EU TFEU 087-p2; Rules of Procedure EP 57; Treaty on the Functioning of the EU TFEU 083-p1-a1; Treaty on the Functioning of the EU TFEU 082-p2 |
| Stage reached in procedure | Awaiting committee decision |
| Committee dossier | LIBE/9/09140 |

Documentation gateway

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|--|---|------------|------|---------|
| Legislative proposal | COM(2022)0245 | 25/05/2022 | EC | Summary |
| Document attached to the procedure | SEC(2022)0245 | 25/05/2022 | EC | |
| Document attached to the procedure | SWD(2022)0245 | 25/05/2022 | EC | |
| Document attached to the procedure | SWD(2022)0246 | 25/05/2022 | EC | |
| Document attached to the procedure | N9-0079/2022 OJ C 425 08.11.2022, p. 0002 | 19/07/2022 | EDPS | |
| Economic and Social Committee: opinion, report | CES3642/2022 | 14/12/2022 | ESC | |
| Committee draft report | PE742.501 | 14/02/2023 | EP | |
| Amendments tabled in committee | PE745.293 | 10/03/2023 | EP | |
| Committee opinion |  PE740.764 | 24/03/2023 | EP | |

Asset recovery and confiscation

PURPOSE: to establish minimum rules on tracing and identification, freezing, confiscation and management of property in criminal proceedings.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Europol's 2021 Serious and Organised Crime Threat Assessment (SOCTA) highlighted the rising threat from organised crime and criminal infiltration. The revenues generated by organised crime are considerable. They are estimated at EUR 139 billion every year and are increasingly laundered through a parallel underground financial system. The availability of such proceeds from criminal activities poses a significant threat to the integrity of the economy and society, eroding the rule of law and fundamental rights.

The EU Strategy to tackle Organised Crime 2021-2025 aims at addressing these challenges by promoting cross-border cooperation, supporting effective investigations against criminal networks, eliminating proceeds from criminal activities, and making law enforcement and the judiciary fit for the digital age.

In order to tackle the serious threat posed by organised crime, it is necessary to provide the competent authorities with the means to effectively trace, identify, freeze, confiscate and manage the instruments and proceeds of crime as well as property derived from criminal activities. The

existing legal framework should therefore be updated to facilitate and ensure the effectiveness of asset recovery and confiscation efforts throughout the Union.

In its [resolution](#) of 15 December 2021, the European Parliament called for a strengthening of the rules on asset recovery.

CONTENT: the proposed Directive aims to strengthen the capabilities of competent authorities to identify, freeze and manage assets, and reinforce and extend confiscation capabilities so as to cover all relevant criminal activities carried out by organised crime groups, thereby enabling confiscation for all relevant assets.

General provisions on asset recovery and confiscation

The proposed Directive includes not only rules on tracing and identification of assets and their management, but also rules on freezing and confiscation. The proposal broadens the possibilities for confiscation of assets, which will become applicable to a wider range of criminal offences, including the violation of EU restrictive measures such as those adopted against Russia and Belarus, once the Commission's proposal to extend the list of EU criminal offences is adopted.

Tracing and identifying assets

The proposal requires Member States to initiate asset tracing investigations to facilitate cross-border cooperation, to set up at least one asset recovery office and to make certain information directly accessible to asset recovery offices to ensure a rapid response to requests for information from other Member States.

In addition to the current rules, the proposal defines specific tasks of asset recovery offices, including the exchange of information with other asset recovery offices in other Member States. The asset recovery offices should be enabled to take immediate action to temporarily freeze the assets in question.

Freezing and confiscation of assets

The proposal requires Member States to:

- take the necessary measures to ensure that illicit assets can be frozen quickly and, where necessary, with immediate effect to avoid their dissipation;
- enable the confiscation of instrumentalities and proceeds of crime following a final conviction and to enable the confiscation of property of equivalent value to the proceeds of crime;
- enable the confiscation of properties transferred by the accused or suspected person to a third party for the purpose of avoiding confiscation;
- enable the confiscation of property of a convicted person when the national court of a Member State is convinced that that the property derives from a criminal activity;
- provide for the possibility of confiscation where all the evidence for a criminal offence is present, but a conviction is not possible due to a limited number of circumstances.

The proposal introduces a new confiscation possibility where assets are frozen based on suspicion of involvement in organised crime activities and aims to ensure that the right to compensation for victims is not affected by the confiscation measures, similar to the relevant provision in the Confiscation Directive.

Asset management

The proposal requires Member States to (i) ensure that frozen or confiscated assets are managed efficiently until their disposal; (ii) provide for the possibility to transfer or sell frozen assets before the confiscation order is issued; and (iii) establish at least one asset management office, the tasks of which are more precisely defined.

Asset recovery strategic framework

The proposal requires Member States to: (i) adopt a national strategy on asset recovery and update it every five years; (ii) ensure that asset recovery offices and asset management offices have the necessary resources to carry out their tasks; (iii) set up a centralised register containing relevant information on frozen, managed and confiscated assets; and (iv) collect and report statistical data to the Commission on an annual basis

Enhanced cooperation

The proposal aims to ensure cooperation between asset recovery offices and the European Public Prosecutors Office, Europol and Eurojust, for the purpose of facilitating the tracing and identification of property that may be subject to confiscation. It also provides that asset recovery offices will need to cooperate with Europol and Eurojust where necessary to prevent, detect or investigate offences related to the violation of the Union restrictive measures.

| Transparency | | | | |
|-------------------|------------------------|------|------------|---|
| GHEORGHE Vlad | Rapporteur | BUDG | 27/02/2023 | MPs Ukrainian Parliament |
| AZMANI Malik | Shadow rapporteur | LIBE | 13/02/2023 | European Public Prosecutor's Office (EPPO) |
| LAGODINSKY Sergey | Rapporteur for opinion | JURI | 10/02/2023 | Permanent Representation of the Federal Republic of Germany to the European Union |
| LAGODINSKY | Rapporteur for | JURI | 31/01/2023 | CiFAR - Civil Forum for Asset Recovery |

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| Sergey | opinion | | | e.V. Transparency International Liaison Office to the European Union |
| GUSMÃO José | Shadow rapporteur | LIBE | 31/01/2023 | Transparency International |
| GHEORGHE Vlad | Rapporteur | BUDG | 25/01/2023 | MPs Ukrainian Parliament |
| AZMANI Malik | Shadow rapporteur | LIBE | 25/01/2023 | MP's Parliament of Ukraine, Budget Committee |
| HEINÄLUOMA Eero | Shadow rapporteur for opinion | BUDG | 16/01/2023 | Finnish permanent representation |