



**2016/0412(COD)**

12.9.2017

# **AMENDMENTS**

## **12 - 70**

**Draft opinion**  
**Pavel Svoboda**  
(PE599.855v01-00)

Mutual recognition of freezing and confiscation orders

Proposal for a regulation  
(COM(2016)0819 – C8-0002/2017 – 2016/0412(COD))

AM\_Com\_LegOpinion

**Amendment 12**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) Freezing and confiscation of instrumentalities and proceeds of crime are among the most effective means of **combating** crime. The European Union is committed to ensuring more effective identification, confiscation and re-use of criminal assets<sup>24</sup>.

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<sup>24</sup> "The Stockholm programme – An open and secure Europe serving and protecting the citizens", OJ C 115, 4.5.2010, p.1.

*Amendment*

(3) Freezing and confiscation of instrumentalities and proceeds of crime are among the most effective means of **combating** crime, ***infringements of the law, especially by organised offenders, and terrorism.*** The European Union is committed to ensuring more effective identification, confiscation and re-use of criminal assets<sup>24</sup>. ***Confiscated criminal assets can be rechannelled into law enforcement, crime prevention or victim compensation.***

Or. ro

**Amendment 13**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) Freezing and confiscation of instrumentalities and proceeds of crime are among the most effective means of combating crime. The European Union is committed to ensuring more effective identification, confiscation and re-use of criminal assets<sup>24</sup>.

*Amendment*

(3) Freezing and confiscation of instrumentalities and proceeds of crime are among the most effective means of combating crime, ***as it deprives criminals from the proceeds of their illegal activities and terrorists from organizing an attack.*** The European Union is committed to ensuring more effective identification, confiscation and re-use of criminal assets<sup>24</sup>

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<sup>24</sup> "The Stockholm programme – An open and secure Europe serving and protecting the citizens", OJ C 115, 4.5.2010, p.1.

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<sup>24</sup> "The Stockholm programme – An open and secure Europe serving and protecting the citizens", OJ C 115, 4.5.2010, p.1.

Or. en

## **Amendment 14**

### **Daniel Buda**

#### **Proposal for a regulation**

##### **Recital 4**

###### *Text proposed by the Commission*

(4) As crime is often transnational in nature, effective cross-border cooperation is essential in order to seize and confiscate the proceeds and instrumentalities of crime.

###### *Amendment*

(4) As crime is often transnational in nature, effective cross-border cooperation is essential in order to seize and confiscate the proceeds and instrumentalities of crime. ***Better cooperation encompassing the Member States and other countries will be achieved through decisive, rapid and concerted measures for the modernisation and implementation of the relevant legislation.***

Or. ro

## **Amendment 15**

### **Kostas Chrysogonos**

#### **Proposal for a regulation**

##### **Recital 7 a (new)**

###### *Text proposed by the Commission*

###### *Amendment*

***(7a) Organised criminal groups have shown a strong ability to diversify their activities, adapting to different geographical areas and economic and social contexts and exploiting their weaknesses and vulnerabilities,***

*simultaneously operating on different markets and taking advantage of the different laws in individual Member States to make their businesses prosper and to maximise profit.*

Or. en

**Amendment 16**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Recital 7 b (new)**

*Text proposed by the Commission*

*Amendment*

*(7b) The illegal proceeds of crimes committed by criminal organisations are widely laundered in the legal European economy and such capital, once reinvested in the regular economy, constitutes a severe threat to free enterprise and competition, as it has a seriously distorting impact;*

Or. en

**Amendment 17**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Recital 7 c (new)**

*Text proposed by the Commission*

*Amendment*

*(7c) At the moment, about 98,9% of estimated criminal profits are not confiscated and remain at the disposal of criminals.*

Or. en

**Amendment 18**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Recital 7 d (new)**

*Text proposed by the Commission*

*Amendment*

**(7d) Organised crime, corruption and money laundering pose serious threats to the economy of the Union, among others by significantly reducing the tax revenues of Member States and the Union as a whole, and to the accountability of Union-funded projects, as criminal organisations operate in various sectors, many of which are subject to governmental control.**

Or. en

**Amendment 19**  
**Gilles Lebreton**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

*Amendment*

(8) When adopting Directive 2014/42/EU, the European Parliament and the Council stated that an effective system of freezing and confiscation in the European Union is inherently linked to well-functioning mutual recognition of freezing and confiscation orders. Considering the need of putting in place a **comprehensive** system for freezing and confiscation of proceeds and instrumentalities of crime, the European Parliament and the Council called on the Commission to present a legislative proposal on mutual recognition of freezing and confiscation orders.

(8) When adopting Directive 2014/42/EU, the European Parliament and the Council stated that an effective system of freezing and confiscation in the European Union is inherently linked to well-functioning mutual recognition of freezing and confiscation orders. Considering the need of putting in place a **European** system for freezing and confiscation of proceeds and instrumentalities of crime, the European Parliament and the Council called on the Commission to present a legislative proposal on mutual recognition of freezing and confiscation orders.

Or. fr

**Amendment 20**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) In order to ensure effective mutual recognition of freezing and confiscation orders, the rules on recognition and execution of those orders should be established by a legally binding and directly applicable legal act of the Union.

*Amendment*

(11) In order to ensure effective mutual recognition of freezing and confiscation orders, the rules on recognition and execution of those orders should be established by a legally binding and directly applicable legal act of the Union ***that is wider in scope than other legal acts to date and contains clear provisions for ordering the freezing and confiscation of assets. One single instrument for mutual recognition of both freezing and confiscation orders containing a standard certificate and form, together with applicable rules and deadlines, will ensure that the orders are recognised and executed without delay within the Union.***

Or. ro

**Amendment 21**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) It is important to facilitate the mutual recognition and execution of orders to freeze and to confiscate property by establishing rules obliging a Member State to recognise and execute in its territory freezing and confiscation orders issued by another Member State within the framework of criminal proceedings.

*Amendment*

(12) It is important to facilitate the mutual recognition and execution of orders to freeze and to confiscate property by establishing rules obliging a Member State, ***without unjustified delay or additional formalities***, to recognise and execute in its territory freezing and confiscation orders issued by another Member State within the framework of criminal proceedings.

**Amendment 22**  
**Gilles Lebreton**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) This Regulation should apply to all confiscation orders imposed by a court following proceedings in relation to a criminal offence and all freezing orders issued with a view to possible subsequent confiscation. It should therefore cover all types of orders covered by Directive 2014/42/EU, *as well as other types of orders issued without final conviction within the framework of criminal proceedings*. This Regulation should not apply to freezing and confiscation orders issued within the framework of civil or administrative *proceedings*.

*Amendment*

(13) This Regulation should apply to all confiscation orders imposed by a court following proceedings in relation to a criminal offence and all freezing orders issued with a view to possible subsequent confiscation. It should therefore cover all types of orders covered by Directive 2014/42/EU. This Regulation should not apply to freezing and confiscation orders issued within the framework of civil or administrative *proceedings*.

**Amendment 23**  
**Gilles Lebreton**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) This Regulation should cover confiscation and freezing orders related to offences covered by Directive 2014/42/EU, *as well as orders related to other offences. The offences should therefore not be limited to the areas of particularly serious crime with a cross-border dimension, as Article 82 TFEU does not require such limitation for measures laying down rules and procedures for ensuring mutual*

*Amendment*

(14) This Regulation should cover confiscation and freezing orders related to offences covered by Directive 2014/42/EU.



*recognition of judgments in criminal matters.*

Or. fr

**Amendment 24**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) This Regulation ***does not have the effect of modifying*** the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the TEU.

*Amendment*

(16) This Regulation ***is without prejudice to*** the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the TEU.

Or. ro

**Amendment 25**  
**Heidi Hautala**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) This Regulation respects the fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union (the Charter) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR). This Regulation should be applied in accordance with those rights and principles.

*Amendment*

(17) This Regulation respects the fundamental ***and procedural*** rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union (the Charter) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR). This Regulation should be applied in accordance with those rights and principles.

Or. en

**Amendment 26**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) This Regulation respects the fundamental rights and ***observes*** the principles recognised in the Charter of Fundamental Rights of the European Union (the Charter) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR). This Regulation should be applied in accordance with those rights and principles.

*Amendment*

(17) This Regulation respects the fundamental rights and the ***relevant*** principles recognised in the Charter of Fundamental Rights of the European Union (the Charter) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (the ECHR). This Regulation should be applied in accordance with those rights and principles.

Or. en

**Amendment 27**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17a) The mutual recognition of freezing or confiscation orders must be fully in line with fundamental rights protected by the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights.***

Or. en

**Amendment 28**  
**Heidi Hautala**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Recital 18**

(18) This Regulation should be applied **taking into account** Directives 2010/64/EU<sup>30</sup>, 2012/13/EU<sup>31</sup>, 2013/48/EU<sup>32</sup>, 2016/343<sup>33</sup>, 2016/800<sup>34</sup> and 2016/1919 of the European Parliament and of the Council<sup>35</sup>, which concern procedural rights in criminal proceedings.

(18) This Regulation should be applied **in accordance with** Directives 2010/64/EU<sup>30</sup>, 2012/13/EU<sup>31</sup>, 2013/48/EU<sup>32</sup>, 2016/343<sup>33</sup>, 2016/800<sup>34</sup> and 2016/1919 of the European Parliament and of the Council<sup>35</sup>, which concern procedural rights in criminal proceedings.

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<sup>30</sup> Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).

<sup>31</sup> Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).

<sup>32</sup> Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).

<sup>33</sup> Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).

<sup>34</sup> Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).

<sup>35</sup> Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects

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<sup>30</sup> Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).

<sup>31</sup> Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).

<sup>32</sup> Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).

<sup>33</sup> Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).

<sup>34</sup> Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).

<sup>35</sup> Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects

and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p.1).

and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p.1).

Or. en

## **Amendment 29**

**Daniel Buda**

### **Proposal for a regulation**

#### **Recital 22**

##### *Text proposed by the Commission*

(22) The executing authority should recognise a confiscation order without further formalities and should take the necessary measures for its execution. The decision on the recognition and execution of the confiscation order should be taken and the confiscation should be carried out with the same celerity and priority as for a similar domestic case. ***Time*** limits ***should be set out in*** order to ensure a quick and efficient decision and execution of the confiscation order.

##### *Amendment*

(22) The executing authority should recognise a confiscation order without further formalities and should take the necessary measures for its execution. The decision on the recognition and execution of the confiscation order should be taken and the confiscation should be carried out ***without unjustified delay and*** with the same celerity and priority as for a similar domestic case. ***This Regulation sets out time limits for the different steps of the procedure*** order to ensure a quick and efficient decision and execution of the confiscation order.

Or. ro

## **Amendment 30**

**Gilles Lebreton**

### **Proposal for a regulation**

#### **Recital 23**

##### *Text proposed by the Commission*

(23) In light of the urgency of freezing and of its provisional nature, a freezing order should be issued in a standard form. The issuing authority should ascertain

##### *Amendment*

(23) In light of the urgency of freezing and of its provisional nature, a freezing order should be issued in a standard form. The issuing authority should ascertain

whether issuing the freezing order is necessary and proportionate for the purpose of provisionally preventing the destruction, transformation, moving, transfer or disposal of property. ***To align the conditions for issuing freezing orders in domestic and cross-border cases, a freezing order under this Regulation should be issued only when it could have been ordered in a similar domestic case.***

whether issuing the freezing order is necessary and proportionate for the purpose of provisionally preventing the destruction, transformation, moving, transfer or disposal of property.

Or. fr

**Amendment 31**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

(24) The executing authority should recognise a freezing order without further formalities and should immediately take the necessary measures for its execution. The decision on the recognition and execution of the freezing order should be taken and the freezing should be carried out with the same celerity and priority as for a similar domestic case. ***Time*** limits ***should be set out in*** order to ensure a quick and efficient decision and execution of the freezing order.

*Amendment*

(24) The executing authority should recognise a freezing order without further formalities and should immediately take the necessary measures for its execution. The decision on the recognition and execution of the freezing order should be taken and the freezing should be carried out ***without unjustified delay and*** with the same celerity and priority as for a similar domestic case. ***This Regulation sets out time limits for the different steps of the procedure*** order to ensure a quick and efficient decision and execution of the freezing order.

Or. ro

**Amendment 32**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

(24) The executing authority should recognise a freezing order without further formalities and should immediately take the necessary measures for its execution. The decision on the recognition and execution of the freezing order should be taken and the freezing should be carried out with the same celerity and priority as for a similar domestic case. Time limits should be set out in order to ensure a quick and efficient decision and execution of the freezing order.

*Amendment*

(24) The executing authority should recognise a freezing order without further formalities and should immediately take the necessary measures for its execution. The decision on the recognition and execution of the freezing order should be taken and the freezing should be carried out with the same celerity and priority as for a similar domestic case. ***Firm*** time limits should be set out in order to ensure a quick and efficient decision and execution of the freezing order.

Or. en

**Amendment 33**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) Before deciding to apply a ground for non-recognition and non-execution, the executing authority should consult the issuing authority, in order to obtain any necessary additional information.

*Amendment*

(27) Before deciding to apply a ground for non-recognition and non-execution, the executing authority should consult the issuing authority ***without any undue delay***, in order to obtain any necessary additional information.

Or. en

**Amendment 34**  
**Sylvia-Yvonne Kaufmann**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) Before deciding to apply a ground for non-recognition and non-execution, the

*Amendment*

(27) Before deciding to apply a ground for non-recognition and non-execution, the

executing authority should consult the issuing authority, in order to obtain **any** necessary additional information.

executing authority should consult the issuing authority, in order to obtain necessary additional information.

Or. de

**Amendment 35**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

(28) It should be possible for the executing authority to postpone the execution of a confiscation or a freezing order, notably where its execution **might** damage an ongoing criminal investigation. As soon as the ground for postponement has ceased to exist, the executing authority should take the necessary measures for the execution of the order.

*Amendment*

(28) It should be possible for the executing authority to postpone the execution of a confiscation or a freezing order, notably where its execution **is strongly expected to** damage an ongoing criminal investigation. As soon as the ground for postponement has ceased to exist, the executing authority should take the necessary measures for the execution of the order.

Or. en

**Amendment 36**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

(31) The proper practical operation of this Regulation presupposes close communication between the competent national authorities involved, in particular in cases of simultaneous execution of a confiscation order in more than one Member State. The competent national authorities should therefore consult each other whenever necessary.

*Amendment*

(31) The proper practical operation of this Regulation presupposes close communication **and optimal cooperation** between the competent national authorities involved, in particular in cases of simultaneous execution of a **freezing or** confiscation order in more than one Member State. The competent national authorities should therefore consult each

other whenever necessary.

Or. en

**Amendment 37**  
**Sylvia-Yvonne Kaufmann**

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

(31) The proper practical operation of this Regulation presupposes close communication between the competent national authorities involved, in particular in cases of simultaneous execution of a confiscation order in more than one Member State. The competent national authorities should therefore consult each other *whenever necessary*.

*Amendment*

(31) The proper practical operation of this Regulation presupposes close communication between the competent national authorities involved, in particular in cases of simultaneous execution of a confiscation order in more than one Member State. The competent national authorities should therefore consult each other.

Or. de

**Amendment 38**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

(32) The victims' rights to compensation and restitution should not be prejudiced in cross-border cases. Rules for disposal of the confiscated property should give priority to the compensation and restitution of property to the victims. Member States should also take into account their obligations to assist in the recovery of tax claims from other Member States in accordance with Directive 2010/24/EU<sup>36</sup>.

*Amendment*

(32) The victims' rights to compensation and restitution should not be prejudiced in cross-border cases. ***This regulation must ensure that, in cases where the issuing State confiscates property, the victim's right to compensation and restitution has priority over the executing and issuing States' interest.*** Rules for disposal of the confiscated property should ***therefore*** give priority to the compensation and restitution of property to the victims. Member States should also take into account their



obligations to assist in the recovery of tax claims from other Member States in accordance with Directive 2010/24/EU<sup>36</sup>.

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<sup>36</sup> Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures (OJ L 84, 31.3.2010, p. 1).

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<sup>36</sup> Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures (OJ L 84, 31.3.2010, p. 1).

Or. ro

**Amendment 39**  
**Sylvia-Yvonne Kaufmann**

**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

(34) Any interested party, including bona fide third parties, should have legal remedies against the recognition and execution of a freezing or confiscation order to preserve his or her rights, including the effective possibility to challenge the order before a court or claim title of ownership or other property rights in accordance with Directive 2014/42/EU. The action should be brought before a court in the executing State.

*Amendment*

(34) Any interested party, including bona fide third parties, should have legal remedies against the recognition and execution of a freezing or confiscation order to preserve his or her rights, including the ***right of access to the file and the*** effective possibility to challenge the order before a court or claim title of ownership or other property rights in accordance with Directive 2014/42/EU. The action should be brought before a court in the executing State.

Or. de

**Amendment 40**  
**Gilles Lebreton**

**Proposal for a regulation**  
**Recital 36**

*Text proposed by the Commission*

*Amendment*

(36) *Since the objective of this Regulation, namely the mutual recognition and execution of freezing and confiscation orders, cannot be achieved by the Member States but can rather, by reason of its scale and its effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union . In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.*

(36) *Mutual* recognition and execution of freezing and confiscation orders *is* achieved by measures *that must comply* with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Or. fr

**Amendment 41**  
**Emil Radev**

**Proposal for a regulation**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

1. This Regulation lays down the rules under which a Member State shall recognise and execute in its territory a freezing or a confiscation order issued by another Member State within the framework of criminal proceedings.

*Amendment*

*(Does not affect the English version.)*

Or. bg

**Amendment 42**  
**Heidi Hautala**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 1 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. This Regulation shall not have the effect of amending the obligation to respect the fundamental rights and legal principles as enshrined in Article 6 TEU.

2. This Regulation shall not have the effect of amending the obligation to respect the fundamental rights and legal principles as enshrined in Article 6 TEU. ***Any non-conviction based confiscation shall be consistent with the procedural safeguards contained in Article 6 of the European Convention on Human Rights and Article 8 of Directive 2014/42/EU.***

Or. en

**Amendment 43**  
**Emil Radev**

**Proposal for a regulation**  
**Article 1 – paragraph 2**

*Text proposed by the Commission*

2. This Regulation shall not have the effect of amending the obligation to respect the fundamental rights and legal principles as enshrined in Article 6 TEU.

*Amendment*

2. This Regulation shall not have the effect of amending the obligation to respect the fundamental rights and legal principles as enshrined in Article 6 TEU ***and in the Charter of Fundamental Rights of the European Union.***

Or. bg

**Amendment 44**  
**Daniel Buda**

**Proposal for a regulation**  
**Article 1 – paragraph 2**

*Text proposed by the Commission*

2. This Regulation ***shall not have the effect of amending*** the obligation to respect ***the*** fundamental rights and legal principles as enshrined in Article 6 TEU.

*Amendment*

2. This Regulation ***is without prejudice to*** the obligation to respect fundamental rights and ***fundamental*** legal principles as enshrined in Article 6 ***of the*** TEU.

Or. ro

**Amendment 45**  
**Emil Radev**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 3 – introductory part**

*Text proposed by the Commission*

(3) 'property' means **property** of any **description**, whether corporeal or incorporeal, movable or immovable, and legal documents or instruments evidencing title or interest in such **property**, which the issuing authority considers to be :

*Amendment*

(3) 'property' means **money or assets** of any **kind**, whether corporeal or incorporeal, movable or immovable, **as well as limited property rights** and legal documents or instruments, **in any form including electronic or digital**, evidencing **ownership or other** title or interest in such **assets**, which the issuing authority considers to be:

Or. bg

**Amendment 46**  
**Emil Radev**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. A freezing order or confiscation order shall give rise to execution without verification of the double criminality of the acts if the acts giving rise to the freezing or confiscation order constitute one or more of the following offences, as defined by the law of the issuing State, and are punishable in the issuing State by a custodial sentence of a maximum of at least three years::

*Amendment*

1. A freezing order or confiscation order shall give rise to execution without verification of the double criminality of the acts if the acts - **including acts of complicity and preparation as well as attempted acts** - giving rise to the freezing or confiscation order constitute one or more of the following offences, as defined by the law of the issuing State, and are punishable in the issuing State by a custodial sentence of a maximum of at least three years:

Or. bg

**Amendment 47**  
**Gilles Lebreton**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – indent 21**

*Text proposed by the Commission*

*Amendment*

- *swindling,* *deleted*

Or. fr

**Amendment 48**  
**Gilles Lebreton**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – indent 23**

*Text proposed by the Commission*

*Amendment*

- *counterfeiting and piracy of* *deleted*  
*products,*

Or. fr

**Amendment 49**  
**Gilles Lebreton**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – indent 24**

*Text proposed by the Commission*

*Amendment*

- *forgery of administrative* *deleted*  
*documents and trafficking thereof,*

Or. fr

**Amendment 50**  
**Gilles Lebreton**

**Proposal for a regulation**

### Article 3 – paragraph 1 – indent 25

*Text proposed by the Commission*

*Amendment*

- *fraud and counterfeiting of non-cash means of payment,* *deleted*

Or. fr

### Amendment 51 Gilles Lebreton

#### Proposal for a regulation Article 3 – paragraph 1 – indent 28

*Text proposed by the Commission*

*Amendment*

- *trafficking in stolen vehicles,* *deleted*

Or. fr

### Amendment 52 Emil Radev

#### Proposal for a regulation Article 4 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. A confiscation order, or a certified copy of it, shall be transmitted together with the certificate provided for in Article 7 by the issuing authority directly to the executing authority or, where applicable, to the central authority referred to in Article 27(2) by any means capable of producing a written record under conditions allowing the executing authority to establish authenticity.

1. A confiscation order, or a certified copy of it, shall be transmitted together with the certificate provided for in Article 7 by the issuing authority directly to the executing authority or, where applicable, to the central authority referred to in Article 27(2) by any means capable of producing a written record under conditions allowing the executing authority to establish *its* authenticity.

Or. bg

**Amendment 53**  
**Daniel Buda**

**Proposal for a regulation**  
**Article 6 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Where point (b) applies, the issuing authority shall inform the executing authority *as soon as possible* whether the risk referred to has ceased to exist.

*Amendment*

Where point (b) applies, the issuing authority shall inform the executing authority *without unjustified delay* whether the risk referred to has ceased to exist.

Or. ro

**Amendment 54**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. The issuing authority shall complete the certificate set out in Annex I, sign it and certify its content as being accurate and correct.

*Amendment*

1. The issuing authority shall complete *without undue delay* the certificate set out in Annex I, sign it and certify its content as being accurate and correct.

Or. en

**Amendment 55**  
**Kostas Chrysogonos**

**Proposal for a regulation**  
**Article 7 – paragraph 2**

*Text proposed by the Commission*

2. The issuing authority shall translate the certificate into an official language of the executing State or any other language indicated by that Member State in

*Amendment*

2. The issuing authority shall translate *without undue delay* the certificate into an official language of the executing State or any other language indicated by that Member State in accordance with

accordance with paragraph 3.

paragraph 3.

Or. en

## **Amendment 56**

**Daniel Buda**

### **Proposal for a regulation**

#### **Article 8 – paragraph 1**

##### *Text proposed by the Commission*

1. The executing authority shall without further formalities recognise a confiscation order transmitted in accordance with Article 4 and shall take the necessary measures for its execution in the same way as for a confiscation order made by an authority of the executing State, unless that authority decides to invoke one of the grounds for non-recognition and non-execution provided for in Article 9 or one of the grounds for postponement provided for in Article 11.

##### *Amendment*

1. The executing authority shall without further formalities ***or unjustified delay*** recognise a confiscation order transmitted in accordance with Article 4 and shall take the necessary measures for its execution in the same way as for a confiscation order made by an authority of the executing State, unless that authority decides to invoke one of the grounds for non-recognition and non-execution provided for in Article 9 or one of the grounds for postponement provided for in Article 11.

Or. ro

## **Amendment 57**

**Gilles Lebreton**

### **Proposal for a regulation**

#### **Article 10 – paragraph 2**

##### *Text proposed by the Commission*

2. The executing authority shall take the decision on the recognition and execution of the confiscation order without delay and, without prejudice to paragraph 5, no later than **30 days** after the executing authority has received the confiscation order.

##### *Amendment*

2. The executing authority shall take the decision on the recognition and execution of the confiscation order without delay and, without prejudice to paragraph 5, no later than ***two months*** after the executing authority has received the confiscation order.



**Amendment 58**  
**Gilles Lebreton**

**Proposal for a regulation**  
**Article 10 – paragraph 5**

*Text proposed by the Commission*

5. Where it is not possible in a specific case to meet the time limits set out in paragraphs 2 or 4, the executing authority shall, without delay, inform the issuing authority by any means, giving the reasons for the delay and shall consult with the issuing authority on the appropriate timing to carry out the confiscation. In such a case, the time ***limit*** laid down in paragraphs 2 or 4, may be extended by a maximum of 30 days.

*Amendment*

5. Where it is not possible in a specific case to meet the time limits set out in paragraphs 2 or 4, the executing authority shall, without delay, inform the issuing authority by any means, giving the reasons for the delay and shall consult with the issuing authority on the appropriate timing to carry out the confiscation. In such a case, the time ***limits*** laid down in paragraphs 2 or 4, may be extended by a maximum of 30 days.

**Amendment 59**  
**Emil Radev**

**Proposal for a regulation**  
**Article 11 – paragraph 2**

*Text proposed by the Commission*

2. The executing authority shall without delay make a report to the issuing authority by any means capable of producing a written record on the postponement of the execution of the order, including the grounds for the postponement and, if possible, the expected duration of the postponement.

*Amendment*

2. The executing authority shall without delay make a report to the issuing authority, by any means capable of producing a written record, on the postponement of the execution of the order, including the grounds for the postponement and, if possible, the expected duration of the postponement.

***In the event of a postponement under the provisions of subparagraph (b), the issuing authority shall, in cases of execution of a confiscation order in more than one Member State, issue fresh***

*instructions as to the exact amount of money subject to confiscation.*

Or. bg

**Amendment 60**  
**Sylvia-Yvonne Kaufmann**

**Proposal for a regulation**  
**Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 12a**

***Obligation to inform the interested parties***

***Following the execution, the executing authority shall, without delay, notify its decision to the person against whom the confiscation order has been issued and to any interested party, including bona fide third parties.***

Or. de

**Amendment 61**  
**Emil Radev**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point 6**

*Text proposed by the Commission*

*Amendment*

(b) the order could have been ordered under the same conditions in a similar domestic case; and

*(Does not affect the English version.)*

Or. bg

**Amendment 62**  
**Daniel Buda**

**Proposal for a regulation**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

The executing authority shall recognise a freezing order transmitted in accordance with Article 14 without further formalities and shall take the necessary measures to execute it unless that authority decides to invoke one of the grounds for non-recognition and non-execution provided for in Article 18 or one of the grounds for postponement provided for in Article 20.

*Amendment*

The executing authority shall recognise a freezing order transmitted in accordance with Article 14 without further formalities ***or unjustified delay*** and shall take the necessary measures to execute it unless that authority decides to invoke one of the grounds for non-recognition and non-execution provided for in Article 18 or one of the grounds for postponement provided for in Article 20.

Or. ro

**Amendment 63**  
**Emil Radev**

**Proposal for a regulation**  
**Article 18 – paragraph 1 – point a**

*Text proposed by the Commission*

**(a)** the form provided for in Article 16 is incomplete or manifestly incorrect, and has not been completed following the consultation in accordance with paragraph 2;

*Amendment*

**a)** the form provided for in Article 16 ***has not been translated into an official language of the executing authority or*** is incomplete or manifestly incorrect and has not been completed following the consultation in accordance with paragraph 2;

Or. bg

**Amendment 64**  
**Emil Radev**

**Proposal for a regulation**  
**Article 19 – paragraph 2**

*Text proposed by the Commission*

2. Where the issuing authority has

*Amendment*

2. Where the issuing authority has

indicated in the freezing order that there are legitimate grounds to believe that the property in question will imminently be moved or destroyed and that immediate freezing is necessary, or if the issuing authority has indicated in the freezing order that the freezing measure has to be carried out on a specific date, the executing authority shall take full account of this requirement.

indicated in the freezing order that there are legitimate grounds to believe that the property in question will imminently be moved or destroyed and that immediate freezing is necessary, or if the issuing authority has indicated in the freezing order that the freezing measure has to be carried out on a specific date, the executing authority shall, *in so far as possible*, take full account of this requirement.

Or. bg

**Amendment 65**  
**Emil Radev**

**Proposal for a regulation**  
**Article 19 – paragraph 3**

*Text proposed by the Commission*

3. The executing authority shall take the decision on the recognition and execution of the freezing order, or on consulting the issuing authority in accordance with Article 18(2), as soon as possible and, without prejudice to paragraph 7 of this Article, no later than **24** hours after the executing authority has received the freezing order.

*Amendment*

3. The executing authority shall take the decision on the recognition and execution of the freezing order, or on consulting the issuing authority in accordance with Article 18(2), as soon as possible and, without prejudice to paragraph 7 of this Article, no later than **48** hours after the executing authority has received the freezing order.

Or. bg

**Amendment 66**  
**Emil Radev**

**Proposal for a regulation**  
**Article 19 – paragraph 6**

*Text proposed by the Commission*

6. Unless grounds for postponement pursuant to Article 20 exist, the executing authority shall carry out the freezing

*Amendment*

6. Unless grounds for postponement pursuant to Article 20 exist, the executing authority shall carry out the freezing

without delay and without prejudice to paragraph 7 of this Article, not later than **24** hours after taking the decision referred to in paragraph 3 of this Article.

without delay and without prejudice to paragraph 7 of this Article, not later than **48** hours after taking the decision referred to in paragraph 3 of this Article.

Or. bg

**Amendment 67**  
**Sylvia-Yvonne Kaufmann**

**Proposal for a regulation**  
**Article 21 – paragraph 1**

*Text proposed by the Commission*

1. Without prejudice to Article 22, following the execution, the executing authority shall notify its decision to the person against whom the freezing order has been issued and to any interested party including bona fide third parties of which the executing authority has been informed in accordance with Article 14(6).

*Amendment*

1. Without prejudice to Article 22, following the execution, the executing authority shall, ***without delay***, notify its decision to the person against whom the freezing order has been issued and to any interested party including bona fide third parties of which the executing authority has been informed in accordance with Article 14(6).

Or. de

**Amendment 68**  
**Sylvia-Yvonne Kaufmann**

**Proposal for a regulation**  
**Article 21 – paragraph 2**

*Text proposed by the Commission*

2. The notification shall contain ***information, at least briefly***, on the reasons ***of*** the freezing order, on the authority ***who*** issued the order and on the existing legal remedies under the national law of the executing State.

*Amendment*

2. The notification shall contain ***comprehensible information*** on the reasons ***for*** the freezing order, on the authority ***which*** issued the order and on the existing legal remedies under the national law of the executing State.

Or. de

**Amendment 69**  
**Sylvia-Yvonne Kaufmann**

**Proposal for a regulation**  
**Article 22 – paragraph 3**

*Text proposed by the Commission*

3. For the purpose of safeguarding ongoing investigations, the issuing authority may request the executing authority to keep the execution of the freezing order confidential for a limited period of time.

*Amendment*

3. For the purpose of safeguarding ongoing investigations, the issuing authority may request the executing authority to keep the execution of the freezing order confidential for a limited period of time. ***The issuing authority shall inform the executing authority when the reasons for confidentiality no longer apply.***

Or. de

**Amendment 70**  
**Sylvia-Yvonne Kaufmann**

**Proposal for a regulation**  
**Article 31 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) if the amount obtained from the execution of the confiscation order is more than EUR 10 000, **50 %** of the amount shall be transferred by the executing State to the issuing State.

*Amendment*

(b) if the amount obtained from the execution of the confiscation order is more than EUR 10 000, **70%** of the amount shall be transferred by the executing State to the issuing State.

Or. de