



New rules make it easier to confiscate crooks' assets across the EU

Committees Committee on Civil Liberties, Justice and Home Affairs
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Rules to make it easier for national authorities to freeze and confiscate crooks' assets across the EU were approved by Parliament on Tuesday. Today, less than 1% of the proceeds of crimes such as drug trafficking, counterfeiting, human trafficking and small arms smuggling are frozen and confiscated. The draft law, already informally agreed with national governments, is part of a broader EU strategy to fight fraud and corruption.

"Our priority must be to follow the money across borders and confiscate criminals' profits. Only then can we hope to reduce serious crime. Sending some criminals to jail whilst leaving the dirty money in circulation is intolerable", said rapporteur Monica Luisa Macovei (EPP, RO).

Confiscating assets

The draft law requires member states to enable the confiscation of criminal assets following a final conviction. It will 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.

Extending confiscation powers

The new rules will 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 EU member states, participation in a criminal organisation, child pornography or cybercrime. Extended confiscation would be possible where a court, "on the basis of the circumstances of the case (...) is satisfied that the property in question is derived from criminal conduct".

Recovering assets from third parties

Confiscation from third parties will 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".

Social reuse of confiscated assets

Member states should consider taking measures allowing the use of confiscated property for public interest or social purposes, says the text.

Next steps

The agreement should be formally approved by the Council in the coming weeks. 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: 631 in favour, 19 against, 25 abstentions

Press release

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