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15.5.2013

B7-0192/2013

## **MOTION FOR A RESOLUTION**

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 110(2) of the Rules of Procedure

on asset recovery by Arab Spring countries in transition  
(2013/2612(RSP))

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on behalf of the ALDE Group

**B7-0192/2013**

**European Parliament resolution on asset recovery by Arab Spring countries in transition  
(2013/2612(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Arab Spring countries, in particular its resolution of 14 March 2013 on the situation in Egypt<sup>1</sup> and its resolution of 10 May 2012 on ‘Trade for change: The EU Trade and Investment Strategy for the Southern Mediterranean following the Arab Spring revolutions’<sup>2</sup>,
- having regard to the new Council regulation of 26 November 2012 concerning the adoption of a new legislative framework to facilitate asset recovery in Egypt and Tunisia; having regard to the statement made by Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy, on 26 November 2012,
- having regard to the EU-Tunisia and EU-Egypt Task Forces Co-Chairs’ Conclusions of 28-29 September 2011 and 14 November 2012 respectively, and in particular the sections thereof concerning asset recovery,
- having regard to Council Regulation (EU) No 101/2011 of 4 February 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia and Council Regulation (EU) No 1100/2012 amending it,
- having regard to Council Regulation (EU) No 270/2011 of 21 March 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt and Council Regulation (EU) No 1099/2012 amending it,
- having regard to Council Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya and Council Decisions 2011/625/CFSP and 2011/178/CFSP amending it, to Council Regulation (EU) No 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya and Council Regulation (EU) No 965/2011 amending it, and to Council Implementing Regulations (EU) No 364/2013 and No 50/2013 implementing Article 16(2) of Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya,
- having regard to the existing EU legal instruments aimed at improving confiscation and asset recovery under Council Decisions 2001/500/JHA, 2003/577/JHA, 2005/212/JHA, 2006/783/JHA and 2007/845/JHA, and the proposal for a directive of the European Parliament and of the Council of 12 March 2012 on the freezing and confiscation of proceeds of crime in the European Union (COM(2012)0085),
- having regard to the UN Convention against Corruption (UNCAC) of 2005, in particular

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<sup>1</sup> Texts adopted, P7\_TA(2013)0095.

<sup>2</sup> Texts adopted, P7\_TA(2012)0201.

Article 43 thereof on international cooperation and Chapter V thereof on asset recovery, to which Egypt, Libya and Tunisia, as well as all the EU Member States (except Germany and the Czech Republic, which have not yet ratified the Convention) are parties,

- having regard to UN Secretary-General’s initiative of 17 September 2007 on stolen asset recovery,
  - having regard to the Stolen Asset Recovery (StAR) initiative, officially launched in September 2007 by the World Bank and the UN Office on Drugs and Crime,
  - having regard to the first Arab Forum on Asset Recovery (AFAR), co-organised by Qatar and the US presidency of the G8 in November 2012, which marks the latest initiative by Middle-East and Western allies to strengthen international cooperation aimed at recovering state funds from the deposed regimes in the Middle East,
  - having regard to the Deauville Partnership with Arab Countries in Transition launched by the G8 at the Leaders Meeting in Deauville on 21 May 2011, to which the EU is a party, and in particular its Action Plan on Asset Recovery issued on 21 May 2012,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas, while the freezing of assets is an EU competence, the recovery and repatriation of assets is a competence of the Member States and must be carried out in accordance with national legal provisions;
- B. whereas following the Arab Spring revolutions in Egypt and Tunisia, the EU promptly froze the assets of former dictators, their families and several other persons associated with their regimes; whereas a similar EU decision was adopted, in accordance with UN Security Council resolution 1970 (2011), in respect of Libya;
- C. whereas the Council has already taken steps to facilitate the return of misappropriated funds to the Egyptian and Tunisian authorities; whereas the new legislative framework adopted on 26 November 2012 allows EU Member States to release frozen assets on the basis of judicial decisions recognised in EU Member States and facilitates the exchange of information between EU Member States and the relevant authorities, with special regard to Egypt, Libya and Tunisia;
- D. whereas, beyond its economic significance, the return of assets stolen by the former regimes can contribute to delivering justice and accountability to the people of Arab Spring countries and is therefore a major political issue of highly symbolic importance in relations between the EU and those countries;
- E. whereas the EU-Egypt and EU-Tunisia Task Forces have underlined the importance of the return of illicitly acquired assets which are still currently frozen in a number of third countries; whereas the Task Forces agreed to finalise a roadmap, which could include the establishment of an asset recovery group coordinated by the European External Action Service (EEAS) for each country;
- F. whereas the G8 is supporting countries in the Arab world engaged in transitions towards

‘free, democratic and tolerant societies’ through the Deauville Partnership of May 2011; whereas its Action Plan issued on 21 May 2012 recognises that, in the wake of the Arab Spring, asset recovery has become a more urgent area of focus in the region and in the international community;

- G. whereas the UK Government is taking concrete measures on this issue, such as the creation of a cross-government task force in September 2012, to return the assets stolen by members of the former regimes of the Arab Spring countries, in particular to Egypt, Libya and Tunisia; whereas several key international actors, including the G8 members and Switzerland, have responded positively to the efforts being made to repatriate misappropriated assets; whereas, however, few concrete results have been achieved in this area so far;
- H. whereas there is a lack of efficient cooperation between ‘requesting’ and ‘requested’ states, and whereas the judicial process for recovering and repatriating assets is complex, lengthy and subject to the distinct legal requirements and systems of the ‘requested States Parties’;
- I. whereas communication is key in asset recovery efforts, in order to disseminate best practice and create incentives by publicising success stories; whereas, however, misleading statements about the quantity of assets to be recovered may create unrealistic expectations among the public in the southern partner countries concerned, which could be counterproductive;
- J. whereas asset recovery can be achieved by bilateral judicial mechanisms and multilateral cooperation; whereas asset recovery operations should be launched at both national and international level;
  - 1. Underlines the political as well as the economic and social importance of the return of assets illicitly acquired through corruption on the part of the previous regimes of Arab Spring countries, with special regard to Egypt, Libya and Tunisia;
  - 2. Considers that asset recovery is a highly political issue, given that it is symbolic of justice and accountability being restored in the spirit of democracy and the rule of law;
  - 3. Acknowledges that for the Arab Spring countries the recovery of stolen assets is also of economic and social importance, as funds are needed to help stabilise economies and create jobs and growth across those countries, which face serious economic challenges; stresses that asset recovery is an essential part of the Union’s support for democratic transition and economic recovery in those countries and can further strengthen mutual confidence on both sides in the spirit of partnership with societies, which is a cornerstone of the revised European Neighbourhood Policy;
  - 4. Considers that effective asset recovery provisions will support countries’ efforts to redress the worst effects of corruption, while at the same time sending a message to corrupt officials that there will be no place to hide their illicit assets;
  - 5. Notes that, despite the considerable efforts being made by Egyptian, Libyan and Tunisian authorities and the strong political will on all sides, practitioners attempting to engage in

the recovery of misappropriated assets have experienced very limited success;

6. Urges the EU and its Member States to make further significant efforts aimed at facilitating the return of misappropriated assets stolen by the former regimes to the people of Arab Spring countries; considers that countries receiving assistance with asset recovery should guarantee their stability and transparency and the good use of those resources; encourages national asset recovery offices in all the Member States to work closely together and to develop their relations with the relevant authorities of Arab Spring countries with a view to assisting them with the complex legal procedures involved;
7. Encourages the EU to commit itself to an integrated, comprehensive list of actions aimed at promoting cooperation, case assistance, capacity building and technical assistance, including the organisation of training sessions for national experts, in support of the efforts of Arab countries in transition to recover assets diverted by past regimes;
8. Strongly supports the establishment by the EU of a group of investigators, lawyers and prosecutors from its Member States and other European countries to deliver legal support and assistance to the relevant authorities of the countries concerned;
9. Welcomes, in this connection, the initiative of Canada, France, Germany, Italy, the UK, Japan, Switzerland and the United States to issue a guide containing a comprehensive description of their national legal systems in relation to asset recovery, so as to give the requesting countries a better understanding of what is legally possible, the kind of information available, the types of investigation that can be conducted, and how to proceed in order to obtain effective asset recovery through the provision of mutual legal assistance; encourages all the Member States to do likewise and to establish a common EU set of principles;
10. Welcomes the G8 initiative of the Deauville Partnership's Action Plan on Asset Recovery, which identifies concrete measures to promote cooperation, case assistance, capacity-building efforts and technical assistance, and suggests a collaborative regional initiative, the Arab Asset Recovery Forum, for discussion and cooperation on continued efforts;
11. Considers that international cooperation, including between the public and private sectors, is the key to resolving the issue and therefore encourages the EU to work closely with international partners, such as Switzerland, the international financial institutions, notably the StAR initiative, and the Arab Forum on Asset Recovery, in order to implement concrete measures in relation to this issue, and to continue to enhance coordination and cooperation;
12. Calls on the Parliamentary Assembly of the Union for the Mediterranean to raise the issue with national parliaments, so that parliamentarians from both shores can be persuaded to actively promote legal measures to ensure closer cooperation between the police and judicial authorities involved;
13. Supports and strongly encourages non-EU countries, in particular Switzerland and the Gulf countries, to enhance their cooperation with, and offer legal assistance to, Arab Spring countries in connection with the asset recovery process;

14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, and the authorities of the Arab Spring countries.