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Ključna riječ "oduzimanje dobara"

7 Rezultat(i)

Datum izrade : 20-04-2024

Revision of the EU rules on asset recovery and confiscation

Vrsta publikacije Briefing

Datum 01-03-2023

Podnositelj CIRLIG Carmen-Cristina

Područje politike Područje slobode, sigurnosti i pravde

Ključna riječ borba protiv kriminala | DRUŠTVENA PITANJA | društvena pojava | europska sigurnost | EUROPSKA UNIJA | izgrađivanje Europe | kazneno djelo | kazneno pravo | konfiskacija imovine | međunarodna sigurnost | MEĐUNARODNI ODNOSI | mjera ograničavanja EU-a | oduzimanje dobara | optužni akt | organizirani kriminal | politika suradnje | PRAVO | pravo EU-a | pravosudna suradnja u kaznenim stvarima EU-a | pravosuđe | prekogranična suradnja | prijedlog EU-a

Sažetak The confiscation of criminals' illicit profits is considered an effective tool in the fight against organised crime, identified as a major threat to EU security. However, despite the comprehensive set of EU rules on asset freezing and confiscation, there are still obstacles on the path to recovering criminal assets, as shown by the European Commission's June 2020 evaluation of the 2014 directive on freezing and confiscation of instrumentalities and proceeds of crime and the 2007 Council decision on asset recovery offices (AROs). To address this situation, in May 2022 the European Commission adopted a proposal to amend the 2014 directive with a view to strengthening the EU's asset recovery and confiscation rules and reinforcing the powers of AROs. The European Economic and Social Committee adopted its opinion on the proposal on 14 December 2022. In the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs is in charge of the file and published its draft report on 14 February 2023. First edition. The 'EU Legislation in Progress' briefings are updated at key stages in the legislative procedure.

Briefing [EN](#)

Revision of Directive 2014/42/EU on the freezing and confiscation of the proceeds of crime and proposal for a new directive on asset recovery offices

Vrsta publikacije Briefing

Datum 30-05-2022

Podnositelj HUEMER MARIE-ASTRID

Područje politike Ocjena praktične uporabe prava i politike | Područje slobode, sigurnosti i pravde

Ključna riječ dobit | DRUŠTVENA PITANJA | društvena pojava | EUROPSKA UNIJA | europske organizacije | istražni odjel | izgrađivanje Europe | kazneno pravo | konfiskacija imovine | MEĐUNARODNE ORGANIZACIJE | oduzimanje dobara | Organizacija Ujedinjenih naroda | organizirani kriminal | POSLOVANJE I KONKURENCIJA | PRAVO | pravosuđe | program EU-a | računovodstvo | sprečavanje prijestupništva | Ujedinjeni narodi | ustroj pravosudnoga sustava | Vijeće Europe

Sažetak Confiscation of instrumentalities and proceeds of crime is a key tool for depriving criminals of ill-gotten gains that could be reinvested in further criminal activities. Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime was adopted in 2014 to harmonise the rules by introducing minimum standards. In 2019, following a joint statement by the Parliament and Council, a dedicated staff working document on non-conviction based confiscation measures in the EU was prepared by the Commission, followed in June 2020 by a report, Asset recovery and confiscation: ensuring crime does not pay, assessing the opportunity to introduce new rules. In its 2021 work programme, the Commission announced its intention to revise the 2014 Directive, as well as Council Decision 2007/845/JHA on asset recovery offices, both being closely interlinked. This implementation appraisal looks at the practical implementation of the directive in light of the expected Commission proposal for its revision. The Commission work programme had planned the proposal for the fourth quarter of 2021; it was postponed to the second quarter of 2022.

Briefing [EN](#)

Mutual recognition of freezing and confiscation orders

Vrsta publikacije Briefing

Datum 12-12-2018

Podnositelj CIRLIG Carmen-Cristina

Područje politike Područje slobode, sigurnosti i pravde | Usvajanje zakonodavstva u EP-u i Vijeću

Ključna riječ borba protiv kriminala | DRUŠTVENA PITANJA | društvena pojava | EKONOMIJA | ekonomska analiza | EUROPSKA UNIJA | izglasavanje zakona | izgrađivanje Europe | kazneno djelo | kazneno pravo | konfiskacija imovine | načelo međusobnog priznavanja | oduzimanje dobara | optužni akt | organizirani kriminal | POLITIKA | PRAVO | pravo EU-a | pravosudna suradnja u kaznenim stvarima EU-a | pravosuđe | prijedlog EU-a | rad parlamenta | studija o utjecaju

Sažetak In order to respond more effectively to the challenge of criminals and terrorists hiding assets in other Member States, in 2016 the European Commission proposed a regulation on the mutual recognition of freezing and confiscation orders in criminal matters. The directly applicable instrument removes the need for national transposition, broadens the scope of the current rules to cover new types of confiscation and includes provisions on victims' rights to restitution and compensation. In June 2018, provisional agreement was reached in interinstitutional negotiations and the European Parliament voted the agreed text on 4 October 2018. The Council followed suit on 6 November 2018. The final act was signed on 14 November and published in the Official Journal of the EU on 28 November 2018. The regulation will apply 24 months after its entry into force, namely from 19 December 2020. Second edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure.

Briefing [EN](#)

[Freezing and confiscation orders](#)

Vrsta publikacije Kratki prikaz

Datum 26-09-2018

Podnositelj CIRLIG Carmen-Cristina

Područje politike Područje slobode, sigurnosti i pravde

Ključna riječ borba protiv kriminala | DRUŠTVENA PITANJA | društvena pojava | kazneno pravo | konfiskacija imovine | oduzimanje dobara | organizirani kriminal | PRAVO | pravosuđe

Sažetak The European Commission proposed, in 2016, a new regulation to improve the EU legal framework on the freezing and confiscation of criminal assets in cross-border cases. It covers new types of confiscation orders, speeds up procedures and ensures victims' rights to compensation and restitution. The European Parliament is due to vote during its October I plenary session on the agreed text reached in trilogue negotiations.

Kratki prikaz [DE](#), [EN](#), [ES](#), [FR](#), [IT](#), [PL](#)

[Mutual recognition of freezing and confiscation orders](#)

Vrsta publikacije Briefing

Datum 20-06-2017

Područje politike Područje slobode, sigurnosti i pravde

Ključna riječ borba protiv kriminala | DRUŠTVENA PITANJA | društvena pojava | EKONOMIJA | ekonomska analiza | EUROPSKA UNIJA | izgrađivanje Europe | kazneno djelo | kazneno pravo | konfiskacija imovine | načelo međusobnog priznavanja | oduzimanje dobara | optužni akt | organizirani kriminal | PRAVO | pravo EU-a | pravosudna suradnja u kaznenim stvarima EU-a | pravosuđe | prijedlog EU-a | studija o utjecaju

Sažetak The IA for the proposed regulation has a number of weaknesses that could be attributed to political urgency and the need for EU action in the area of freezing and confiscation of criminal assets, notably since the recent terrorist attacks in France, Belgium and Germany. Overall, the IA lacks sound data and this is openly recognised throughout the document. In the context of the IA, no public consultation took place and no ex-post evaluation of existing mutual recognition instruments was carried out. The IA does not explain clearly how addressing the deficiencies in the existing EU legislation and its implementation would increase recovery of criminal assets in cross-border cases, as there is a general lack of data in this policy context. As for the options proposed, the IA could perhaps have clarified why sub-options 4a and 4b were discussed jointly, whereas option 3 was presented as a stand-alone option. In addition to this, the regulatory options could have been checked in the light of the principle of subsidiarity. The IA could have explained in more detail what it means by 'harmonised grounds for non-recognition based on fundamental rights', which seem not to have been included in articles 9 and 18 of the proposal. In general, the choice of legal instrument is left outside the scope of the impact analysis and the choice in favour of a regulation seems rather pre-determined. The IA could have addressed the impact of adopting a regulation on those 12 Member States that currently have more restrictive approaches to confiscation. Finally, it could have stated whether stakeholders were consulted on the choice of instrument, and how the preferred option accommodates the divergent views of the stakeholders on the issue of mutual recognition as an alternative to further harmonisation.

Briefing [EN](#)

[The Need for New EU Legislation Allowing the Assets Confiscated from Criminal Organisations to be Used for Civil Society and in Particular for Social Purposes](#)

Vrsta publikacije Studija

Datum 15-02-2012

Vanjski autor Basel Institute on Governance

Područje politike Područje slobode, sigurnosti i pravde | Pravo EU-a: pravni sustav i akti

Ključna riječ borba protiv kriminala | civilno društvo | DRUŠTVENA PITANJA | društvena pojava | kazneno pravo | konfiskacija imovine | oduzimanje dobara | organizirani kriminal | POLITIKA | politika i javna sigurnost | pomoć žrtvama | PRAVO | pravosuđe

Sažetak The note evaluates the current legislation on the asset recovery process both at the EU and Member States level, with a view to assessing the need and the feasibility of establishing EU regulation on the use of confiscated assets for civil society and in particular for social purposes. It points out that at the EU level only limited attention has been given to the final destination of confiscated assets and that within Member States using confiscated assets for social purposes is not a widely established practice. It analyses the advantages of the social re-use of confiscated assets and comes to the conclusion that there is a clear need for a coherent European approach. The note puts forward a series of recommendations ranging from the adoption of a European Directive on the social re-use of confiscated assets to the creation of a European Asset Recovery Database, a European Asset Recovery Fund and a European Asset Recovery Office.

Studija [EN](#)

Izvršni sažetak [DE](#), [FR](#)

EU response to the US terrorist finance tracking programme

Vrsta publikacije Briefing

Datum 28-04-2011

Podnositelj COPELAND Nicholas

Područje politike Područje slobode, sigurnosti i pravde | Vanjski poslovi

Ključna riječ Amerika | davanje informacija | ekonomska geografija | elektronički novac | Europol | EUROPSKA UNIJA | FINANCIJE | financijska transakcija | informacije i obrada informacija | informacijska tehnologija i obrada podataka | istražni postupak | izgrađivanje Europe | monetarna ekonomija | OBRAZOVANJE | KOMUNIKACIJE | oduzimanje dobara | POLITIKA | politika i javna sigurnost | politička geografija | PRAVO | pravosuđe | Sjedinjene Američke Države | slobodno kretanje kapitala | sporazum EU-a | terorizam | zaštita podataka | ZEMLJOPIS

Sažetak For the United States, the Terrorist Finance Tracking Programme is an essential element of its counter-terrorism policy. It relies on 'data sets' obtained under subpoena from the SWIFT worldwide messaging system, allowing it to track financial transactions from across the world, and initially including Europe. In 2009, SWIFT moved its European transaction data to Europe, forcing the US to negotiate with European governments for continued access to the data. The move also coincided with the increase in the power of the European Parliament under the Lisbon Treaty. An interim agreement, supported by the Council and Commission, was rejected by the EP on the grounds that it failed to correctly balance security and civil liberties. The EU-US Financial Messaging Data Agree-ment was finally signed in June 2010, following further negotiations with the US, and including additional data protection provisions in comparison to the rejected text. Two reports on the first six months of the new agreement have, however, placed doubts on the new data protection safeguards. In particular a report on Europol's role has raised serious concerns from a number of MEPs. Europol has, in turn, strongly defended its own performance.

Briefing [EN](#)