

Commission Proposes Directive on Asset Recovery and Confiscation

Anna Pinggen

News

On 25 May 2022, the European Commission tabled a proposal for a [Directive of the European Parliament and of the Council on asset recovery and confiscation](#). The Commission stressed in its explanatory memorandum that organised crime represents one of the highest threats to the European Union's security and criminal organisations deployed sophisticated means to launder their vast revenues. The Commission referred to the importance of the EU Strategy to tackle Organised Crime (2021-2025) (→ [eucrim 2/2021, 90-91](#)) as a way to depriving criminals of these illicit profits in order to disrupt the activities of criminal groups and to prevent their infiltration into the legal economy.

With the proposed directive on asset recovery and confiscation the Commission aims to strengthen the capabilities of competent authorities to identify, freeze and manage assets, and reinforce/extend confiscation capabilities so that all relevant criminal activities carried out by organised crime groups can be covered. The directive would also apply to the violation of restrictive measures, ensuring the effective tracing, freezing, management and confiscation of proceeds derived from the violation of restrictive measures. In this context, the Commission initiated the legislative train to get the competence to harmonise the national criminal laws in view of definitions and penalties as a result of the violation of Union restrictive measures (→ [separate news item](#)).

The main elements of the Directive on asset recovery and confiscation include:

- Extension of the mandate of Asset Recovery Offices to swiftly trace and identify assets of individuals and entities subject to EU restrictive measures;
- Expansion of the possibilities to confiscate assets from a wider set of crimes, including the violation of EU restrictive measures;
- Establishment of Asset Management Offices in all EU Member States to ensure that frozen property does not lose value.

If adopted, the Directive will bring together rules on asset recovery and confiscation which are currently scattered in three different legislative instruments. At the same time, the Directive will strengthen law enforcement power in this area.

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