

## More effective mutual recognition of freezing and confiscation orders

The Council today adopted a regulation on the mutual recognition of freezing and confiscation orders. The aim of the new rules is to ensure the effective freezing and confiscation of criminal assets across the EU. This will help make the EU more secure by tackling the financing of criminal activities, including acts of terrorism.

The regulation will come into effect 24 months after its publication in the EU official journal.

The main features of the new rules include:

- A single regulation covering freezing and confiscation orders, directly applicable in the EU. This will resolve issues linked to implementation of the existing instruments, which have resulted in insufficient mutual recognition.
- The general principle of mutual recognition, meaning that all judicial decisions in criminal matters taken in one EU country will normally be directly recognised, and enforced, by another member state. The regulation provides only a limited number of grounds for non-recognition and non-execution.
- A wide range of types of confiscation in criminal matters such as value based confiscation and non-conviction based confiscation, including some systems of preventive confiscation, provided that there is a link to a criminal offence.
- Standard certificates and procedures to allow for speedy and efficient freezing and confiscation actions.
- A deadline of 45 days for the recognition of a confiscation order and in urgent cases a deadline of 48 hours for the recognition and 48 hours for the execution of freezing orders. Those limits can only be extended under strict conditions.
- Provisions to ensure that victims' rights to compensation and restitution are respected in cross-border cases.

### Background

The new regulation replaces the framework decisions on mutual recognition of freezing orders and on mutual recognition of confiscation orders dating back to 2003 and 2006. These were considered outdated and no longer in line with the latest national and EU rules on freezing and confiscation, and therefore gave rise to loopholes which were exploited by criminals.

Confiscating assets generated by criminal activities is a very efficient tool to fight crime and terrorism. At the moment, it is estimated that 98.9% of profits from criminal activities are not confiscated and remain at the disposal of criminals.

- [Regulation on mutual recognition of freezing and confiscation orders](#)

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