



EU FREEZING ORDERS

EU regulation strengthens mutual recognition of freezing and confiscation orders

The EU Council of Ministers has adopted a regulation promoting the mutual recognition of cross-border freezing and confiscation orders. The regulation states that all judicial decisions in criminal matters taken in one EU country will normally be directly recognised and enforced by another Member State, with few grounds for non-recognition and non-execution. It will come into effect 24 months after publication in the EU official journal, replacing the 2003 and 2006 framework decisions on 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 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.

Feel free to contact us in case of any needs related to the above!

PLEASE FEEL FREE TO CONTACT US WITH ANY QUESTIONS OR QUERIES.

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