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EUROPEAN REPORTS

The European reports are published on the website of the project.

These reports concern the European profiles of confiscation and, particularly, the following aspects: the relation between confiscation and fundamental rights, the EU framework on non conviction based confiscation and third party confiscation, as well as mutual recognition of confiscation orders



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*Confiscation and fundamental
rights: the quest for a consistent
European approach*

This article aims to provide a brief overview of the variegated case law from the European Court of Human Rights in relation to the confiscation of criminal property, highlighting recent and possible future developments with a particular focus on extended confiscation and non-conviction-based confiscation mechanisms.



MICHELE SIMONATO



Here, the link to the *REPORT*

**CIRO GRANDI****Ciro Grandi*****Non-conviction-based confiscation in the EU legal framework***

Despite the general consensus reached at international level that success in the recovery of illicit proceeds largely depends on the possibility of confiscating money and goods regardless of a criminal conviction, the harmonisation required by Directive 42/2014 on non-conviction-based confiscation is largely unsatisfactory. The lack of an adequate level of harmonization might pose a serious obstacle to the obligation of mutual recognition and execution that Regulation 1805/2018/EU has extended to the confiscation orders issued without previous conviction, provided that they are adopted "within the framework of proceedings in criminal matters".

Here, the link to the **REPORT****Daniel Nitu*****Extended and third party confiscation in the EU***

The study aims at presenting the current 'state of affairs' at the EU level on the topic of extended and third party confiscation. As case studies, the German and the Romanian models are presented, having in mind both types of confiscation. In the end, the future role of the CJUE is analysed, limited at this particular field of substantive law.

DANIEL NITUHere, the link to the **REPORT****Vera Weyer*****Mutual Recognition of Confiscation Orders and National Differences***

Framework Decision 2006/783/JHA on the mutual recognition of confiscation orders aims at facilitating as well as enhancing cross-border confiscation. Evaluation yet shows that very few confiscation requests are based on this act. EU reports indicate that this lack of application is partly due to the considerable differences between the Member States' confiscation systems. The paper will try to shed light on the question why mutual recognition regarding confiscation faces so many difficulties or – to be more precise – why the Member States' different confiscation laws constitute a barrier to transnational confiscation that cannot be easily removed by EU law.

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