

**RECOVER**  
**III WORKPACKAGE**

**Draft questionnaire for national experts of Member States which are not bound by the Regulation no. 1805/2018 nor subject to its application (Denmark, Ireland, cf. Recitals no. 56, 57 of the Regulation) and Non-EU States (United Kingdom, Switzerland)**

1. Which are the different models of forfeiture/confiscation in Your system of law (direct confiscation, confiscation of the value, extended confiscation, non-conviction based confiscation, confiscation against third parties, etc.)? Please, explain which are the different models in general, then **focus specifically on extended confiscation and non-conviction based confiscation**
2. How was the Directive 2014/42/EU transposed in Your national legal order and how did this affect national law? (please answer **only** if Your country is bound by the Directive and subject to its application, cf. Recitals no. 42, 43, 44 of the Directive)
3. Which models of confiscation can be applied against legal persons in Your system of law and which are their constituent elements? Do you have any reform proposals for your country in this regard?
4. Relating to the different models of forfeiture/confiscation in Your system of law (see no. 1 *supra*), and **especially but not exclusively with regard to extended confiscation and non-conviction based confiscation**, have in the national praxis arisen issues of compliance with fundamental rights? (such as legality; non-retroactivity of the more severe statute; the right to private property; the proportionality; the right to a fair trial; the right to defence; the presumption of innocence; the ne bis in idem principle; and other relevant rights). **Please provide details and practical examples**
5. Is Your country party of any non-EU treaty/convention (e. g. adopted within the UN or CoE framework) on the mutual legal assistance/judicial cooperation for the recognition and execution of forfeiture/confiscation orders? If yes, please mention and briefly illustrate such judicial cooperation tools and how they are applied in the praxis, highlighting the most recurring grounds of refusal and difficulties in implementation, especially those related to the safeguard of fundamental rights (see no. 4 *supra*), both in executing requests from foreign authorities in Your country and in obtaining the execution of Your requests abroad

6. Can You provide with some statistical data on the application of the abovementioned treaties/conventions of which Your country is party?
7. Do you have any reform proposals and/or policy recommendations, at a national or international level?