

Country	Problems/best practices			Collected Statistical Data																			
	Normative/institutional Problems	Practical Problems	Good practices	Confiscation orders						Freezing orders													
				Issued			Received			Issued			Received										
				2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023								
BULGARIA	<ul style="list-style-type: none"> Challenges in determining the competent court to examine proceedings under Art. 16, para. 1 of the Confiscation Orders Act. Difficulty in deciding jurisdiction disputes between courts, which can delay the process. Quality and accuracy issues with the translation of certificates. Lack of regulation regarding postponement of decisions, continued postponement, and monitoring of the expiration of the limitation period. Difficulties related to jurisdiction when immovable property is located in different cities or when legal persons change their company seat. 	<ul style="list-style-type: none"> Delays caused by jurisdiction disputes and court referrals to Eurojust and the Ministry of Justice. Translation difficulties and their impact on the process. Problems with property management, including a lack of procedure for appointing responsible officials. Difficulty in assessing double criminality and other legal criteria due to incomplete information. Incompleteness and inaccuracies in the information provided in freezing or confiscation certificates. Responsibility for managing confiscated property and protection against encroachments. Lack of a mechanism for interaction between the court and the prosecutor's office for information exchange. 	<ul style="list-style-type: none"> Proposals to fill in more data on the limitation period for execution, measures taken, and notification of the accused or defendant. Introduction of a strict order for property management subject to confiscation. Possibility to re-open criminal proceedings when specific prerequisites are met, as suggested in Art. 422 of the CPC. Courts in Bulgaria referring to Eurojust and the Ministry of Justice for assistance in finding the competent authority. 		0				136 (55 recognised, 4 executed, 81 refused)	20 (2 recognised, 18 denied)				3								133 (Recognised: 54, Executed: 16, Refused: 79)	60
FRANCE	<ul style="list-style-type: none"> Challenges in finding the competent authority, especially when they are the issuing authority. Difficulties in locating the competent authority when the French requesting authority lacks information about assets or bank accounts. Problems with transmitting data to central authorities. Need for translation of certificates, which delays transmission. 	<ul style="list-style-type: none"> Difficulty in processing cases due to the speed of fund transfers. The use of European Investigation Orders (EIO) to identify assets, investigate their origins, and gather information about transactions and account holders. Regulation changes for mutual legal assistance in tax fraud and economic crime have made the process more effective. Speedy transfer of funds by criminals makes timely confiscation of bank accounts difficult. Translation delays and risk of fund dissipation. 	<ul style="list-style-type: none"> Guidelines available to assist French authorities in drafting and transmitting freezing certificates. Acceptance of preliminary acts in French by some countries. Eurojust's role in facilitating the process. Positive impact of regulation changes on mutual legal assistance, as noted by some prosecutor's offices. Utilization of Eurojust to facilitate the process. The use of automated translation tools to reduce translation difficulties. 		6					5				41	89							24	
GERMANY	<ul style="list-style-type: none"> Cooperation between FIUs of other MS or third countries. Reliability of data provided by public prosecution offices to statistical offices. Lack of a central register for some assets, such as real estate and boats. Difficulty in determining property ownership due to real estate organization. Lack of a central register and staff for AROs. 	<ul style="list-style-type: none"> Lack of a central register for certain types of assets. Difficulty in identifying property owners. Challenges in managing assets and cooperation channels. Lack of specialized staff in prosecution offices for asset management. Time taken to respond to requests for cooperation. Challenges in responding in a timely manner. Use of confidential information. Duration of asset freezing. Completeness of information provided. Lack of evidence on the beneficiaries of criminal assets. Difficulties in managing assets. Lack of specialization in prosecution offices responsible for asset management. 	<ul style="list-style-type: none"> Federal Criminal Police Office (BKA) and State police personnel specialized in financial investigations. Federal Financial Supervisory Authority (BaFin) database on holders and beneficiaries of bank accounts, car holders, immovable property with real estate registers, and company registers. BKA intranet internal Wikipedia on asset recovery with tips and best practices. Establishment of AMOs and their cooperation at international and EU levels. Bavarian pilot program to outsource the management of frozen assets to a private company. 		16					3				47								42	
ITALY	<ul style="list-style-type: none"> Issue with the third bona fide coverage under Art. 174(3) L. 42/2004. Conflict potential with art. 19(1) lett. e REG. Uncertainty about the applicable tool and competent authority. Conflicting provisions between Art. 174(3) L. 42/2004 and art. 19(1) lett. e REG. 	<ul style="list-style-type: none"> Insufficient, incomplete, and incorrect filling out of the certificate. Absence of a proper location, identification, and description of the goods. Absence of the description of the grounds on which the measure is based. The need for extensive investigations before issuing the certificate. Utilization of proper instruments like EIO for property identification. 	<ul style="list-style-type: none"> Conducting extensive investigations before issuing certificates. Setting up a Joint Investigation Team (JIT) for proper requests. Seeking communication and assistance from the national member correspondent and the Atlas EUN website. Utilizing police cooperation offices, AROs, and dedicated networks like CARIN and STAR initiative. 		73 (overall freezing and confiscation orders)	25 (overall freezing and confiscation orders)	1 (0 executed, 1 pending)	11 (4 recognised, 1 executed, 1 non executed, 9 pending)						73 (overall freezing and confiscation orders)	25 (overall freezing and confiscation orders)	15 (12 recognised, 7 executed, 5 non executed, 3 pending)	34 (12 recognised, 11 executed, 1 non executed, 19 pending)						
LITHUANIA	<ul style="list-style-type: none"> Not in all MS national law is aligned with the REG 	<ul style="list-style-type: none"> Use of the outdated form in council decision 2003/577/JHA on the execution of freezing orders against property or evidence, repealed by the REG, instead of the freezing certificate (annex 1) Freezing certificates received without translation Sections e (1) and (2) of EFO –summary of facts, nature and legal classification of the criminal offence, applicable legal provision – are incompletely filled in, references to law of the issuing MS not always included Issuing MS sometimes do not tick all the boxes in the certificate Sometimes a copy of the national decision is not attached to the freezing certificate 	<ul style="list-style-type: none"> Guidelines to harmonize the practice of filling in the certificate 		5	1		8 (1 executed, 1 denied)	4					25	35		81 (22 executed, 14 denied)	161					
NETHERLANDS		<ul style="list-style-type: none"> Requested translation of the underlying confiscation order (only the certificate has to be translated under the REG) Not always explained the intention of the issuing authority to freeze the assets under the suspect which are registered in the name of a third person 	<ul style="list-style-type: none"> Translating both the order and the certificate, to ease/speed up procedures in the receiving MS, especially in urgent cases Section H freezing certificate should state whether the freezing order relates to a previous order or request Section D freezing certificate should include a question whether the freezing is requested for the purpose of object or value confiscation. In ECO certificate the expiration date of the execution of the confiscation order is relevant information, should be included in the certificate MS should make sure that national legislation and practice is in line with the REG EU should provide more information/guidelines on the REG Introduce the possibility to transfer an EFO for freezing orders in the execution phase. Accept EFOs in English, at least in urgent cases. Remove time limits for the duration of a freezing order from the national law. 		12	10		27 (27 recognised, 10 executed, 1 refused)	60 (9 executed, 1 refused)				125	122		94 (93 recognised, 4 executed, 1 refused)	89 (89 recognised, 63 executed)						

POLAND	<ul style="list-style-type: none"> Problems with collecting statistical data (no national database on the REG, prosecutors unwilling to share information on ongoing criminal investigations) Judicial ATLAS website is opaque and unintuitive, resulting difficulties in identifying the competent authorities In three cases, the local jurisdiction of the prosecutor's office was incorrectly identified on the basis of incorrect data in received certificate on bank's headquarters Inconsistency of legal systems regarding procedures for securing property. Difficulties in identifying the competent enforcement authority in Poland, which results in the inability to determine the prosecution unit competent locally to execute the freezing order. 	<ul style="list-style-type: none"> Provisions of the REG would need to be expanded especially in the part related to the final stages of the execution of orders, by defining the legal framework for the disposal of previously secured property 						
PORTUGAL	<ul style="list-style-type: none"> Problems relating to the return of property/assets to the victim (most of the outgoing and incoming certificates involve property crimes, i.e. there is an identifiable victim), executing states are demanding provisional confiscation measure to return assets to the victim (uncertain meaning) Which MS should bear the cost for returning the assets to the victim? 	<ul style="list-style-type: none"> Problems with collecting reliable statistical data (no national database on the reg, inquiry via direct questions to PPO) Lack of adequate know-how on the distinction between the application of the Regulation and the EIO Unclear how national issuing authorities should proceed when what is at stake is merely an extension of the previous, already executed certificate (new certificate/"informal" extension?) Being the competence for enforcing incoming freezing orders either of the prosecutor or of the judge, conflicts can arise (incoming certificates should be filled in detail, with all requested information) Serious problem with the requirements for the execution of precautionary freezing measures; requirements for freezing the assets in order to guarantee payment of the value based confiscation are so restrictive that they are sometimes impossible to apply in practice Jurisdictional issues arise when assets whose freezing is requested are located in different places (no judge should be competent, but it has been 	<ul style="list-style-type: none"> Concept of frozen property under art. 29 of the REG and requirements under art. 29, par. 2 needs clarification Art. 31 REG (sharing of costs) is not enough to solve the uncertainty on which MS should bear the cost for returning the assets to the victim, especially when assets are involved Introduction of the distinction between "affected persons" in the certificate, useful to distinguish between defendants and third parties, could influence, for example, the type and timing of notifications in the state of execution it would also be useful for the form to include a topic on the moment of notification of the execution of the measure The form should be adapted for cases of "extension": whenever a new request has to be made for new property in relation to the same facts/same suspect, a simple addition can be submitted Use specific cooperation mechanisms between AROs. 					
ROMANIA	<ul style="list-style-type: none"> Discrepancy between national competent authorities cause problems and delays in the execution (e.g. execution freezing order issued by Belgium, instruction judge, to be recognized by Romanian prosecutor) Lack of a specific provision in relation to translation costs of orders National legislation does not specify what is the appeal against the decision to recognize the confiscation order Political opposition by a majority of MS to art. 26 of the proposal for a directive on asset recovery and confiscation, "establishment of centralised registries of frozen and confiscated property". 	<ul style="list-style-type: none"> Problems with collecting statistical data (no national database on the REG, prosecutors unwilling to share information on ongoing criminal investigations at a preliminary stage) Incomplete certificates/ issued on the basis of other cooperation instruments Length of time for receiving a response from executing authority 	<ul style="list-style-type: none"> An express provision is required regarding the national remedy granted in the case of the recognition of a confiscation order/the right to appeal for the issuing state in case of refusal Definition of the order of non-disposal should be modified to cover the situation of assets that could be returned to the victim or used as guarantees to cover the damages determined by the national courts Mandatory establishment of national registries of frozen and confiscated property (see RODARMIS – Romanian asset recovery and management integrated system) RECOVER exercise should be extended to all MS Establish an obligation for MS to designate which authorities have the capacity to conclude sharing agreements of sums obtained through the execution of the confiscation order (art. 31 REG) 					
SPAIN	<ul style="list-style-type: none"> Conflicting legislation in Spain derived from the FD of 2003 and 2006 that sometimes conflicts with the REG. Challenges in handling confiscation orders from common-law and civil-law systems. Territorial problems related to Denmark and Gibraltar. Uncertainty about which agreements to apply (UN agreements or others). Use of standardized forms, sometimes leading to refusals. Awaiting action by the new government to resolve legislation conflicts. Difficulty in handling confiscation orders from different legal systems, including common law and civil law. 	<ul style="list-style-type: none"> Short deadlines for compliance, especially problematic for freezing real estate. Execution challenges in high-activity regions like the Costa del Sol. Handling freezing and confiscation certificates in a timely manner. Additional requirements for certificates in Spain, including the inclusion of relevant national legislation and underlying judicial decisions. Translation issues and requirements for certificates in Spain. 	<ul style="list-style-type: none"> Ongoing efforts to resolve conflicts in legislation with a new bill. Cooperation with other countries to address territorial and agreement-related issues. Emphasis on the need for a proportionality test and translation requirements for certificates in Spain. Compliance with required deadlines in the face of practical challenges. 	3	6	3	1	47 33 42 52