

ANABI & ANAF competences in ROMANIA

Workshop on “The management of frozen and
confiscated assets abroad & third parties’ rights”
for the RECOVER Project (GA 101091375)

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ANABI & ANAF competences

- › In Romania, **there is a shared competence in the matter of the administration of seized and confiscated assets.**
- › This competence is mainly divided between:
 - **National Agency for the Management of Seized Assets (ANABI)**, which administers seized assets of significant value during the criminal process;
 - **National Agency for Fiscal Administration (ANAF)**, which administers all assets that have been confiscated.
- › This shared competence is also preserved in the matter of **asset selling**, with ANABI being the body designated for selling of seized assets during the criminal process, while ANAF realizes the selling of confiscated assets after final confiscation.

Administration of seized assets – ANABI - AMO

- › According to art. 2 para. 2 of Law 318/2015, ANABI is **appointed as the national office for the management of seized assets (AMO)**, within the meaning of art. 10 of the Directive 2014/42/EU of the European Parliament and the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union.
- › AMO was **set up in 2015** and is part of the National Agency for the Management of Seized Assets (ANABI), which fulfils both the roles of Asset Management Office (**AMO**) and **Asset Recovery Office (ARO)**.
- › ANABI was established as a public institution of national interest, subordinated to the Ministry of Justice. ANABI has legal personality, which ensures its organisational and financial independence.
- › The mandate of the AMO is to ensure that seized assets are **effectively managed, maintaining their value** and **preparing them for eventual interlocutory sale** in accordance with legal and procedural requirements.

Administration of seized assets – ANABI - AMO

- › AMO is responsible for **temporarily storing and managing** seized **movable high-value assets whose individual value exceeds 15,000 euros** and **stocks of goods or products whose cumulative value exceeds 300,000 euros**. For assets below these thresholds, other state bodies, such as police evidence rooms, are involved.
- › AMO **administers and records** the amounts of money that are subject to seizure.
- › AMO is authorized to sell movable and immovable assets during criminal proceedings (**interlocutory sale**) under specific legal conditions.
- › AMO organizes **online public auctions** for the selling of seized **movable** assets and **physical public auctions** for the selling of seized **immovable** assets.

Administration of seized assets – ANABI - AMO

- › AMO **supports judicial authorities** by providing expertise and best practices in the seizure, and management of assets that may be subject to confiscation.
- › AMO **manages the national integrated IT system** (named ROARMIS - Romanian Assets Recovery and Management Integrated System) for recording claims derived from crimes, ensuring transparency and accountability in the management of seized and confiscated assets.
- › AMO **facilitates the reuse of confiscated real estate for public/social** purposes by transferring it to public institutions or NGOs, in accordance with legal regulations.

Administration of confiscated assets – ANAF

- › After the court issues the confiscation order, the confiscated assets become the private property of the state. Starting from this moment, the Romanian state, through the Ministry of Finance, under which ANAF is located, **takes over the management and selling of assets according** to Ordinance no. 14/2007.
- › The **rule** is that **all assets entering the property of the state will be sold**.
- › The exceptions are determined by the following: 1) the assets must be **destroyed** - for example drugs; 2) **social and public reuse of immovable assets**; 3) **free transfer** of assets to public or private entities.
- › ANAF has the competence in execution of **value-based confiscation**, which is practically a form of forced fiscal execution, with certain particularities.

Seized assets - ANABI

- › **35.034 bank accounts** in administration/records with a total of seized value of 882.096.382,35 lei (equivalent to **177.283.563,23 euros**);
 - 430.290.997,35 lei (**86.461.108,23 euros**) sums of money seized in the ANABI unique account – date 31.05.2024;
 - 451.805.385 lei (**90.822.455 euros**) sums of money seized in other bank accounts – date 31.12.2023.
- › The bank provide the Agency with the bank statements covering the transactions performed in the accounts opened in its name.
- › When the freezing order is revoked, ANABI communicates alerts in electronic format to all public institutions and professional entities with duties in the field of enforced execution. If creditors communicate their claims within 15 days, ANABI will not return the sums of money to the owner, but will cover his debts – **compensation system**.
- › Seized **movable assets** under the administration of ANABI with a total value of approximately **13.7 million euros**;
 - Cars - May 2024: approximately 210, 12.325.610 euros;
 - Watches - May 2024: approximately 60, 1.251.206 euros;
 - Motorcycles - May 2024: approximately 12, 102.000 euros.

Seized assets - ANABI

- › For the first time since its operationalization, in **2023**, ANABI has taken over, **in a single file, 29 movable assets** (motor vehicles and luxury watches), as well as several sums of money, in lei, euros, pounds sterling, US dollars and cryptomonads. The total value of the assets and sums of money taken over, in this case administered by ANABI, is estimated at approximately **18 million lei (3.636.000 euros)**.
- › ANABI has taken over seized **virtual currencies since the end of 2018**. Currently, at the level of the Agency, there are more than **35 types of cryptocurrencies** in administration, respectively: BTC, ETH, USDT, LINK, DOGE, XMR, XTZ, XRP, SOL, AMP, FDUSD, GBP, DOT, THETA, LTC, ETC, CKB, ARB, USDC, BNB, ETHW, FTT, TRX, LUNA, SOLO, SRM, EGLD, GMT, AVAX, AR, WBTC, HARD, KZT, LUNC, JEX, WOO, SHIBU INU and HEART.
- › The nominal value of each type of cryptocurrency managed by ANABI **cannot be specified precisely, given their volatile nature**, but we can show that their total value is between 2.000.000 and 4.000.000 euros.
- › **REG – Assets that are seized under freezing orders recognized under the Regulation are administered under the same conditions as assets seized by national authorities.**

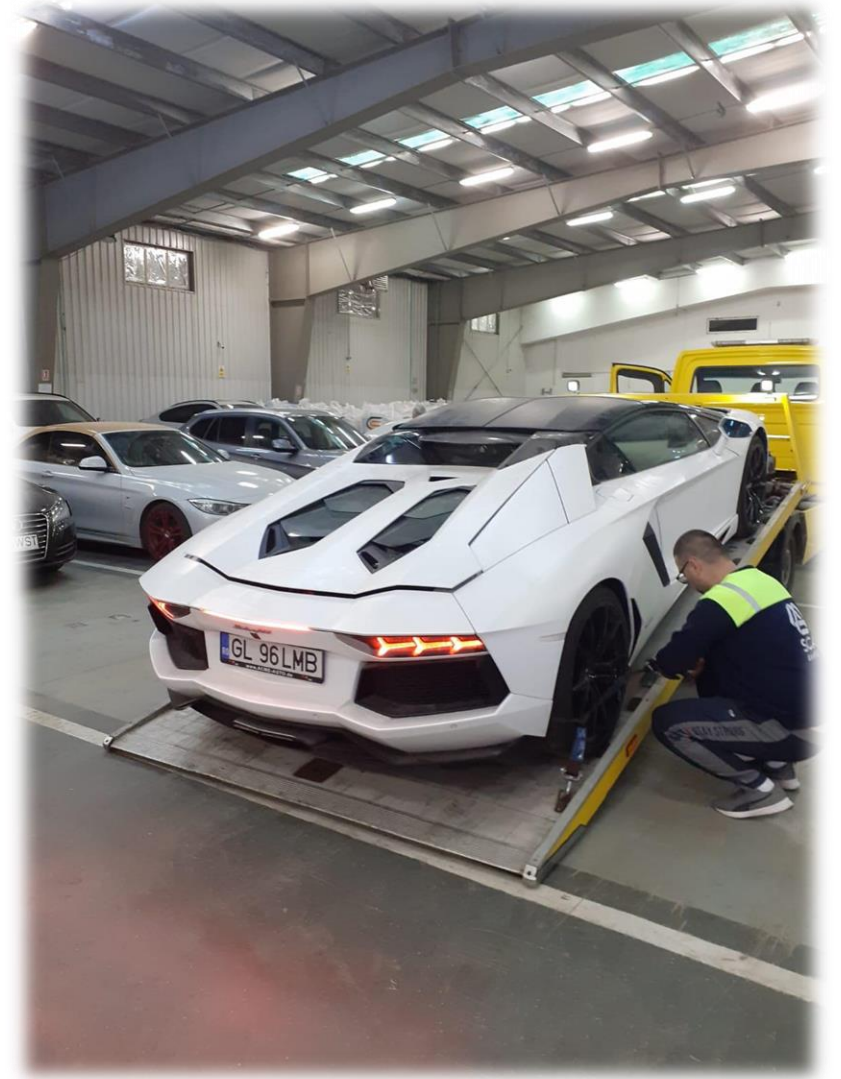
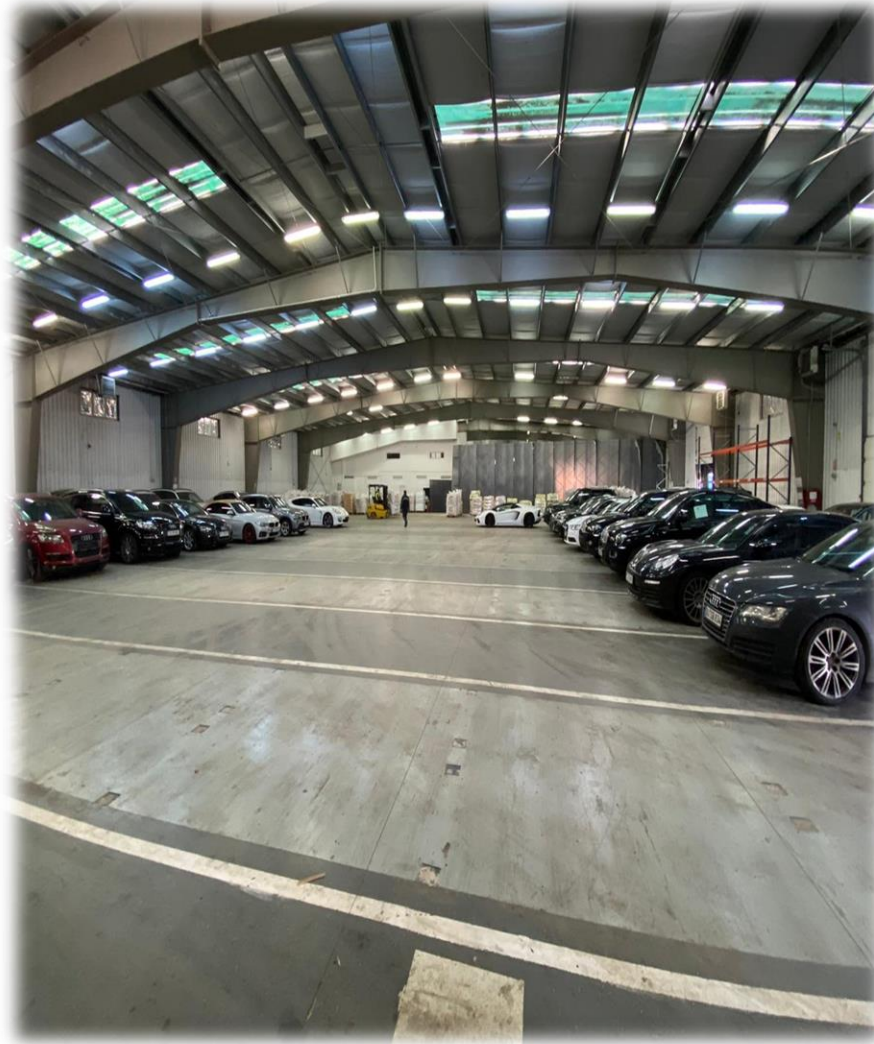
Seized assets - ANABI



Seized assets - ANABI



Seized assets - ANABI



Seized assets - ANABI





Confiscated assets - ANAF:

- › The type and value of the assets confiscated in criminal matters and which are in the administration of the fiscal bodies - 30.06.2024
 - **Real estate** – approximately **106.804.557 lei / 21.360.911 euros;**
 - **Vehicles** – approximately **779.538 lei / 155.907 euros;**
 - **Precious metals** - approximately **91.861 lei / 18.372 euros;**
 - **Shares** – approximately **39.000.000 lei / 7.800.000 euros;**
 - **Other assets** – approximately **75.115 lei / 15.023 euros.**

Interlocutory sales - ANABI

- › During the criminal process, the interlocutory sale can only be made according to the decision of a prosecutor or a judge.
- › The prosecutor orders the interlocutory sale in the situation where, during the criminal investigation, the owner gives his consent, as well as in the case where the seizure of perishable goods is ordered.
- › If the owner does not express his consent, interlocutory sale can only be ordered by a judge.
- › There is no possibility of social or public reuse during the criminal process, only to sell the seizure assets.

Interlocutory sales - ANABI

(2) During the criminal trial, movables assets can be sold, exceptionally, in the following situations:

- a) when, within one year from the distraint ordering date, the value of the seized goods has decreased significantly, i.e., by at least 40% compared to the time of enforcing the asset freezing. Art. 252 par. (1) shall apply accordingly in this case, too;**
- b) where there is the risk of expiry of the guarantee or when the distraint was applied against live stock or birds;**
- c) when the distraint was applied to flammable or petroleum products, to wood mass and wooden materials, to pharmaceutical products and sanitary materials;**
- d) when the distraint was enforced against goods the storage or maintenance of which involves expenses disproportionate to the value of the property;**
- e) when the distraint was applied to a stock of goods or products with a cumulative value less than or equal to the equivalent in lei of the sum of 300,000 euros.**

Interlocutory sales - ANABI

- › (3) During the trial, when the following conditions are cumulatively met: the owner **could not be identified and the sale cannot be performed according to par. (2), motor vehicles subject to freezing order may be sold in the following cases:**
 - › **a) when they were used, in any manner, in the commission of the offense;**
 - › **b) if a time period of one year or more has passed since the date of ordering asset freezing against such goods.**

Interlocutory sales - ANABI

- › (3¹) During the criminal process, **when the freezing order has been applied to a vehicles, rail, naval or air transport and interlocutory sale cannot be done according to the provisions of para. (2), the goods can be sold**, when the following conditions are cumulatively met:
 - › **a) the freezing measure was ordered to avoid the concealment, destruction, alienation or evasion of the assets that may be subject to special confiscation or extended confiscation;**
 - › **b) within one year from the date of the establishment of the freezing measure, the owner does not pay, in the account established according to the special law, a sum of money equal to the value of the seized property;**
 - › **c) the asset is in the custody of a public institution.**

Interlocutory sales - ANABI

- › In 2023, 52 public selling were completed, within which the Agency sold on goods such as: cars, trains, wood, raw materials, electronic equipment, freon, ferrous material waste. **As a novelty**, at the disposal of the judicial bodies, ANABI received precious metals for selling - gold jewellery, works of art - paintings, as well luxury watches.
- › The money conversion rate of movable assets is **107%**, by reference to prices of the start of public bidding, as established in the reports made by ANEVAR authorized evaluators contracted by ANABI.
- › **Online auction Portal:** During the COVID-19 pandemic in 2020, AMO successfully created an online auction portal to ensure the continuous and transparent selling of seized assets. This innovative solution allowed for uninterrupted asset sales and maintained public access to auctions. The portal has attracted over 300,000 unique visitors, demonstrating AMO's adaptability and commitment to transparency even during challenging times.

Interlocutory sales - ANABI

Trebuie sa va autentificati sau sa va inregistrati inainte de a putea face oferte,



OFERTA ACTUALA: 152,575.50 lei

Termenul licitatiei 24.09.2020 si s-a inchis cu 3 zile în urmă

Oferte: 3

Oferta inchisa

Nu mai puteti face oferte la aceasta licitatie

ISTORICUL OFERTELOR (3 Oferte)

Ofertant	Valoarea ofertei	Data/Ora
Ofertant #236	152,575.50 lei	22.09.2020 09:00
Ofertant #232	145,310.00 lei	21.09.2020 09:27
Ofertant #236	145,290.00 lei	21.09.2020 09:27

INFORMATII GENERALE

Pret	145,310.00 lei
Cota TVA	19%
Garanție de participare	14529.00 lei

Acasa Despre noi Regulament Intrebări Frecvente ANABI

Ce cautam?

Cum pot cumpara? Simplu, urmeaza cei cinci pasi:



Alegi bunul
care te intereseaza

Detalii



Te inregistrezi
furnizand datele personale pentru
identificare, starea garantiei de
participare, precum si oferta de
pornire

Detalii



**Participi la licitatia
online**
putand face oferte succesive in
pasi de 5-15% din valoarea de
pornire a licitatiei

Detalii



Castigi licitatia online
primind de la ANABI confirmarea
ajudicarii si putand plati
oferta de pret in contul
Agenției in termen de 5 zile

Detalii



**Esti proprietarul
bunului**
poti veni sa il preiei

Detalii

Ultimele licitatii adaugate



Stoc marfa corpuri de iluminat,
lampi L...

Electronice

Pret de pornire: 19.868.00 lei,
Oferta curenta: -

timp ramas
pentru a te inregistra:

17 zile 5h 18m 56s

Detalii



BMW 335i Cabrio - 300 CP (an
2007) - Rel...

Autovehicule

Pret de pornire: 31.800.75 lei,
Oferta curenta: -

timp ramas
pentru a te inregistra:

31 zile 6h 18m 56s

Detalii



Opel Vivaro (an 2008) - Reluare 2

Autovehicule

Pret de pornire: 7.503.75 lei,
Oferta curenta: -

timp ramas
pentru a te inregistra:

31 zile 6h 18m 56s

Detalii



Material Lemnos Lot 4: Lot 4 - 5,41
m3 c...

Diverse

Pret de pornire: 2.958.00 lei,
Oferta curenta: -

timp ramas
pentru a te inregistra:

2 zile 13h 18m 51s

Detalii



Interlocutory sales - ANABI



Interlocutory sales - ANABI

- › For the first time since the entry into force of the new legal framework adopted by the Parliament of Romania in 2022, the Agency was notified to interlocutory sale of **three real estate assets** evaluated at the amount of 2.401.285 lei (**486.690 euros**):
 - apartment composed of 4 (four) living rooms and outbuildings, in a constructed area of 260.69 sqm;
 - parking space, basement, in built-up area on the ground of 19.10 square meters;
 - parking space, basement, in built-up area of 18.30 square meters.
- › The real estate was valued at the second public auction (22.02.2024 - 7 bidders) at the price of 2.976.600 lei (**approx. 600,000 euros**).

Interlocutory sales - ANABI – REG – Hard case ITALY

- › The assets we have in administration under freezing orders recognized under the Regulation are not numerous.
- › In relation to a vehicle, the selling was requested to the prosecutor, but until this moment we have not received an answer. If the prosecutor considers that the request is founded, he will have to refer it to a judge.
- › Also, in a particular case, the Prosecutor's Office next to the Bucharest Court, which recognized a **freezing order sent by the Italian authorities**, informed us that the car under the administration of ANABI (Prosecutor's Office next to the Bucharest Court) was confiscated by a court in Italy - the Court of Genoa.
- › We approached the Romanian courts to find out if they had been notified of the recognition of the confiscation order. **The national courts informed us that, until this moment, they had not received such a notification.**
- › The referral from the Prosecutor's Office next to the Bucharest Court was sent in November 2023.

Sale of confiscated asset - ANAF

- › The goods entered, according to the law, into the private property of the state are sold through **own stores** of ANAF, **directly** from the place of storage or from the place where they are located, by **public auction, under consignment** or **through commodity exchanges**, as appropriate.
- › **The sums of money obtained from the sale of confiscated asset in the last 3 years are:**
 - **2021 - approximately 16.998.357 lei / 3.399.671 euros;**
 - **2022 - approximately 31.498.643 lei / 6.299.728 euros;**
 - **2023 - approximately 19.539.197 lei / 3.907.839 euros.**

HARD CASE - AUSTRIA

- › **Subject**: execution of confiscation order
- › **Summary**: Sometimes it is difficult to identify precisely the persons who may have an interest in relation to the assets subject to the confiscation order.
- › A confiscation order issued by Austria was recognized and an apartment from Romania was confiscating. According to the land register and the sales contract, the apartment belonged to the convict person.
- › In the procedure for the forced execution of the order, the ex-wife of the convicted person, who did not participate in the procedure for **issuing** and **recognizing** the confiscation order, submitted an appeal to the execution by which she requested the judicial division, citing the fact that she is a co-owner of the apartment.

HARD CASE - AUSTRIA

- › The ex-wife proved that, although she was not mentioned in the land register, nor in the sales contract, at the time of the purchase of the apartment she was married to the person targeted by the confiscation order.
- › According to Romanian civil law, assets acquired during marriage are presumed to be jointly acquired by both spouses, even if only one of the two spouses is mentioned in the contract of sale.
- › The civil court found that the apartment is a joint property, establishing the share of participation of each of the ex-husbands at 50%, assigned the apartment to the wife, with her obligation to pay the enforcement bodies the equivalent of the 50% share that belonged to her ex-husband.

HARD CASE - AUSTRIA

- › Even though it may seem like a disadvantageous situation, it should be noted that the value considered by the civil court was that of the market. Thus, it is very likely that, in the event of a foreclosure of the apartment through a public auction, the amount obtained would still have been approximately 50% of the property's market value.
- › **Conclusion**: it is important that the courts that are invested with the recognition of a confiscation order make all the necessary checks to identify all persons who could subsequently justify a right or an interest in relation to the asset that is the subject of the confiscation.

HARD CASE - MALTA

- › On the occasion of the transposition of Directive 2024/1260, the entire legislative framework will have to be reanalysed.
- › One of the aspects that needs to be improved is related to the **way of applying art. 18 para. 5 of REG**. The change is imposed by reference to the following factual situation. In one case, a court in Malta ordered the value-based confiscation of a sum of money from a Romanian citizen. **In the procedure to enforce the confiscation order, the Maltese authorities requested the help of ANABI to identify the assets and accounts held by the convicted person.** ANABI communicated to the Maltese authorities the fact that the person has certain bank accounts.
- › With the formulation of the confiscation certificate, **Maltese authorities expressly indicated that they are only requesting the confiscation of the respective accounts and not of other assets.** Also, recognition of a freezing order was not requested, the authorities only asked for recognition of confiscation order.

HARD CASE - MALTA

- › In the procedure for recognition of the confiscation order, the **Romanian court did not apply art. 18 para. 5 of the REG** , establishing a term with the summoning of all interested persons in order to discuss the recognition of the confiscation order. In this context, although the court recognized the confiscation order for the sums of money expressly indicated by the Maltese authorities, because these sums of money had not previously been seized, **they were withdrawn by the convicted person before the recognition became final confiscation order.**
- › Thus, on the occasion of the execution the recognized confiscation order according to the national legislation, it was found that the convicted person had withdrawn all the sums from the accounts and as the Maltese authorities only requested the confiscation of the sums of money from the expressly indicated accounts, it was not possible to continue the execution of other assets of the convicted person.
- › Analysing this case and from the perspective of the legislation in Romania, it is found that a better information of the judicial authorities about the existence of art. 18 para. 5 of REG is needed. At the same time, an express provision is required at the national level, because, even in the situation in which art. 18 para. 5 were applied, the court would have had the obligation to order the freezing following a procedure in which the convicted person would have been summoned.

HARD CASE - MALTA

- › Thus, in our opinion, **the amendment should regulate a procedure by which, when it is referred to with the recognition of a confiscation order, which is not accompanied by a freezing order, the court in Romania will forward the file to a prosecutor so that he can analyse the appropriateness of the freezing of the assets until the confiscation order is recognized by the court.**
- › The efficiency of the provision would be given by the fact that, in this case, the **prosecutor will can order the freezing without a summons before taking the measure**, informing the convicted person only after the execution of freezing order. In the absence of such a provision, even if the national courts have the ability to freeze assets, such procedure can only be carried out with the summons of the persons concerned, which gives them the opportunity to create a fictitious state of insolvency until the moment of executing the confiscation order.

ROARMIS

- › Romania is currently implementing a unique electronic register called ROARMIS - Romanian Asset Recovery and Management Integrated System.
- › The development and launch of the ROARMIS application in 2023 marked a significant milestone. This integrated registry **provided a centralized system for tracking seized assets, enhancing transparency and accountability.** The ability to see detailed information about each asset, including the authority that ordered the seizure and the related criminal case, proved invaluable.
- › It will contain real-time data on freezing and confiscation orders. In addition, the system provides for efficient management of freezing assets. At the same time, the system will make it easier to identify assets that have been made frozen or confiscated following the recognition procedure in the Regulation, as it will have functions to identify files with an element of extraneousness.

Public and social reuse - ANABI

- › **ANABI** has competence in **public and social reuse of immovable assets**. Real estate assets confiscated and transferred to the private ownership of the state **can be handed over free of charge** to the private domain of administrative-territorial units at the request of the county council, the General Council of Bucharest Municipality, or the local council, as applicable, by a Government decision initiated by the Ministry of Public Finance at the proposal of the ANABI, to be used for social purposes.
- › Also, real estate assets confiscated and transferred to the private ownership of the state can be **granted for free use** to associations and foundations, as well as the Romanian Academy and branch academies established by special law, by a Government decision initiated by the Ministry of Public Finance at the proposal of the ANABI, to be used for social purposes, public interest, or in relation to their activity, as applicable.

Public and social reuse

- › **Successful case of social reuse of confiscated assets:**
- › In 2024, a building entered into the private property of the state through confiscation was transferred free of charge for social reuse from the private domain of the state to the private domain of Traian commune, Bacău county. The purpose was to establish a settlement for the elderly. The criminal case concerned the commission of the crimes of tax evasion and money laundering. According to the court decision issued by the Iași Court of Appeal, which was made final by the decision of the High Court of Cassation and Justice, the building valued at 2,020,000 lei is the product of the crime and was confiscated.

Public and social reuse - ANAF

- › In the period 01.01.2020 - 06.30.2024, they were awarded free of charge the following categories of goods:
 - Vehicles - 4.323.467 lei / **864.693 euros**;
 - Other goods - 19.023 lei / **3.804 euros**.

We have no information regarding any case of public or social reuse of an asset seized or confiscated based on the Regulation.

National Mechanism for Supporting Crime Prevention

- › **National Mechanism for Supporting Crime Prevention, which is an institutional and financial tool aimed at prioritizing the allocation of resources for implementing activities and projects focused on legal education, crime prevention, and victim assistance and protection, as well as strengthening the administrative and logistical capacity of institutions responsible for identifying, managing, or selling confiscated assets.**
- › The National Mechanism **became operational in January 2023** and is funded by confiscated money and proceeds from the sale of recovered assets - 50% of the amounts of money confiscated in criminal proceedings, 50% of the amounts of money produced from the disposal of assets confiscated in criminal proceedings, and 50% of the amounts of money obtained from enforcing judgments regarding confiscation of equivalent values in criminal proceedings, which remain after covering the expenses with the disposal, deducting the amounts subject to international distribution by the Agency, and any other amounts to be withheld according to the law.

National Mechanism for Supporting Crime Prevention

- › The funds are distributed to various ministries and ANABI, with allocated amounts ranging between 15% and 20%.
- › **a) 20% for the Ministry of Education;**
- › **b) 20% for the Ministry of Health;**
- › **c) 15% for the Ministry of Internal Affairs;**
- › **d) 15% for the Public Ministry;**
- › **e) 15% for the Ministry of Justice;**
- › **f) 15% for the Agency, for the purpose of ensuring non-reimbursable funding for the projects proposed by associations and foundations operating in the field of victim assistance and protection and social assistance.**

Enforcement phase

- During the **enforcement phase**, ANABI has the power to **submit the matter to the execution court** regarding the procedure for recognition of an equivalent confiscation order, special or extended confiscation order.
- At the request of ANABI, an ARO- Italy provided us with data on the ownership of a vehicle by the convicted persons and the conclusion of a rental contract worth €14,400 per year. Subsequently, ANABI referred the matter to the enforcement court, in order to follow the procedure for the recognition of the freezing and confiscation orders in accordance with Regulation (EU) 2018/1805. Both freezing and confiscation orders were recognised by Italy.
- Challenges encountered in this case: Procedures took a considerable amount of time (1 year), which could have affected the effective execution of the confiscation order.

Enforcement phase

- Also, ANABI has the legal authority to **negotiate and facilitate the conclusion of asset-sharing agreements.**
- ANABI has successfully concluded asset sharing agreements in cases with international elements, strengthening the practice of fair and effective distribution of confiscated assets among involved jurisdictions. For example, AMO successfully recovered 6 million lei (1,225,465 USD) by submitting a petition for remission to the U.S. Department of Justice.

HARD CASE - FRANCE

- › After recognizing a confiscation order issued by a court in France, the court stated in the order that the amount obtained from the sale of the property will be divided between the Romanian state and the French state equally, 50% - 50%.
- › The court held in its considerations that the market value of the building was over 10,000 euros.
- › However, the good was by ANAF not sold at the market price, but at a much lower value, below the threshold of 10.000 euros.
- › In this context, ANABI filed against the recognition sentence of the confiscation order, in order to justify the transfer of the value to the private property of the state < 10.000 euros.
- › The file was rejected by the first court on the grounds that res judicata is violated. Following the appeal, the request was accepted by the higher court.

Recommendations

- › The recommendation aims to establish **an obligation for member states to clearly designate which authorities have the capacity to conclude sharing agreements** of sums obtained as a result of the execution of the confiscation order.
- › We also recommend that a more extensive provisions of this matter be carried out - for example, for the **simple freezing and confiscation of the sums from a bank account in which a substantial sum is located, it may sometimes seem unjustified to retain 50% by the state of execution.**

Restitution to victims HARD CASE - GERMANY

- › There is a case of restitution of property to the victim under the Regulation. ANABI provided the necessary support to the court which recognized the order - Dâmbovița Court.
- › Thus, although the disposition of the court was to recognize the confiscation order on a movable asset - a lawnmower Husquarna 400 type, the content of the certificate sent by the German authorities expressly stated that the lawnmower is intended to be returned to the victim of a theft, a German citizen.
- › In this context, ANABI made the communication between the national court and the custodian (the police) who managed the lawnmower, so that it was transmitted to Germany.
- › A similar case was before the Călărași Court. This time, the restitution order concerned an AUDI A6 car.



Restitution to victims **HARD CASE - FRANCE**

- › Unfortunately, there are also negative examples, but from which we must learn.
- › This is the case of the recognition of a confiscation order by a court in Romania. The confiscation order was sent by the French authorities and concerned a Maserati car.
- › Although the Romanian court recognized the confiscation order, the custodian was not properly informed. This omission caused the car to be kept for more than 2 years in the police's crime scene room, although it had to be returned.
- › However, the asset was not seized under Regulation 1805, but based on Framework Decision 2006/783/JAI. The car was seized 15 years ago.



Proposals for the harmonization of EU MS legislation – victims protection

- › Firstly, it is essential to **develop a standardized legal framework across all EU Member States**. This framework should ensure that victims receive similar treatment and have access to comparable levels of support and compensation.
- › Additionally, **establishing uniform procedures for handling cross-border compensation and restitution cases** would greatly benefit victims. This includes streamlined processes for recognizing and enforcing compensation orders across Member States, making it easier for victims to claim compensation regardless of where the crime occurred or where the assets are located.
- › It would also be beneficial **to create a centralized EU body or coordination mechanism** to oversee and facilitate the compensation and restitution process for cross-border cases. This body would ensure consistent application of laws and provide guidance to national authorities.

Proposals for the harmonization of EU MS legislation – victims protection

- › It would be desirable for all Member States to provide **strong victim support services**. These should include legal aid, psychological counselling, and financial assistance, accessible to all victims, regardless of nationality or crime location.
- › **Harmonizing the protection of third parties' rights across the EU** is also important. Clear criteria and procedures for determining the good faith of third parties who acquire assets from criminal activities should be established, protecting those who unknowingly purchase or receive such assets.
- › Implementing EU-wide **training programs for judicial and law enforcement personnel** on the rights of victims and third parties would enhance the effectiveness of the harmonized legislation. Additionally, conducting awareness campaigns to inform the public about their rights and available support mechanisms would be beneficial.

Proposals for the harmonization of EU MS legislation – victims protection

- › **Developing a digital platform** for filing and tracking compensation claims online is another proposal. This platform should provide information in multiple languages and be accessible to victims across all Member States.
- › Establishing a **system for periodic review and updating of the harmonized legislation** would help adapt to new challenges and ensure that the rights of victims and third parties are adequately protected.
- › By implementing these proposals, the EU can ensure a more consistent and fair approach to compensating victims of crime and protecting the rights of third parties across all Member States. This harmonization would enhance the support provided to victims and strengthen the overall justice system within the EU.

Thank you!

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anabi@just.ro – asset management

aro@just.ro – asset recovery



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