

RECOVER Project (GA no. 101091375)

WP5 – Asset Recovery Office’s Activities and Management of Frozen and Confiscated assets

Questionnaire for the partners

Section 1 – Asset Recovery Offices (AROs): Structure and Activities

- 1. Which agencies serve as the Asset Recovery Offices (AROs) in your country? Under which government department or agency do they operate?**

Under the EU Council Decision 2007/845/JHA of 6 December 2007. EU Member States create Asset Recovery Offices in national crime fighting structures. By the Decision of the Chief of Police of 5 December 2008, an Asset Recovery Office is created.

Asset Recovery Office within the Criminal Bureau of the Police Headquarters is created. It is the only national entity authorised to exchange financial information with other EU countries and on the basis of other international agreements with third countries on the exchange of financial information, and national entities entitled to request financial information on the basis of the Act of 16 September 2011 on the exchange of information with law enforcement agencies of European Union Member States, third countries, European Union agencies and international organisations. On the other hand, the legal basis for the operation of the Asset Recovery Bureau is Article 145 K of the Police Act.

From 1 December 2022. The National Asset Recovery Bureau (Asset Recovery Division) is located in the new Bureau for Combating Economic Crime of the Police Headquarters and reports to the Ministry of Internal Affairs and Administration.

- 2. Are there any instances in your country where the Reg. (EU) 2018/1805 (hereinafter, the REG) was applied with the involvement of the ARO? Please provide examples and data if available.**

Poland has expanded the volume of information collected through criminal and misdemeanour reports in order to comply with the obligation referred to in EP and Council Regulation (EU) 2018/1805 by amending the forms, which entered into force from the first quarter of 2023. Accordingly, Poland has started to collect the missing data which will enable its submission in the following years.

To date, the Asset Recovery Unit of the BZPE KGP (PL ARO) has not followed the instructions and guidelines of the Public Prosecution Service in order to carry out its tasks under Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018.

- 3. What are the main activities undertaken by your ARO in applying the REG (e.g., asset tracing, investigative support, international coordination)?**

The Assets Recovery Unit of the BZPE KGP (BOM, PL ARO)) is the central and only contact point in Poland for the international exchange of information on assets in cases conducted by law enforcement bodies and chief state administration bodies of the Republic of Poland. The Division is responsible for substantive supervision of the Police organisational units in the area of conducting activities aimed at depriving perpetrators of the benefits of crime, coordination and promotion of the implementation of tactics and new solutions in the field of techniques of establishing assets and leading to their securing. The Division participates in Police activities in the implementation of operational and procedural cases in the aspect of coordination of activities of an inter-regional or international range, as well as in cases of a complex nature in the area of activities of disclosing and securing property.

4. What are the biggest challenges your ARO faces in the application of the Regulation, and how are these addressed?

The inability to verify the challenges that police field units have encountered in implementing the Prosecutor's Office's guidelines as part of the implementation of the tasks arising from Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018.

5. What tools and databases does the ARO most commonly use when applying the REG, especially for asset tracing (e.g., accessing public records, utilizing professional services or software)?

The Asset Recovery Unit (ARO) of the BZPE KGP, while carrying out official activities related to asset tracing, uses the following data sources, based on operational work: - police database National Police Information System (KSIP); - Police procedural database (ERCDS); - Border Guard database; - Central Register of Vehicles and Drivers (CEPIK) database; - Prison Service (OSADZON) database; - PESEL database; - Land and Mortgage Register (EKW) database; - Integrated Property Information System (ZSIN) database; - Inspector General for Financial Information database; - Register of vessels up to 24m (REJA24); - National Court Register (EKRS) database; - public database of the Register of Real Beneficiaries; - public database of VAT payers; - public database Central Register and Information on Business Activity; - Regon2 database;

Upon request, ARO Poland receives information from: Central Information on Bank Accounts (Ognivo system) KIR Fiscal information; Information on social benefits from the Social Insurance Institution (ZUS) Other public and private sector entities, within the scope of powers derived from the Police Act.

6. How does your ARO collaborate with AROs from other EU member states in applying the REG? Please provide examples and data if available.

At the time of writing, there were no instances of ARO Poland realising cooperation with its counterparts in EU Member States.

7. How many times has your office contacted the ARO for information or assistance in the past three years? What was the subject of your request?

Unable to provide an answer.

8. In which areas does the ARO provide the most support to your authority? (e.g., asset tracking, legal support, international cooperation).

Unable to provide an answer.

9. Which technologies or tools provided by the ARO do you find most useful in your activities/investigations?

Unable to provide an answer.

10. Could you provide examples of successful cases or challenges encountered in collaborating with the ARO?

Unable to provide an answer.

11. What legal or administrative challenges prevent effective collaboration between your authority and the ARO? Are there regulatory or bureaucratic barriers that limit effective cooperation?

Unable to provide an answer.

12. Do you have any proposals for the harmonization of EU MS legislation on the structure and the activities of AROs?

Unification of the catalogue of offences under which financial information can be sought for the benefit of proceedings. Harmonisation or extension of the scope of the in rem phase enquiry. Inclusion in the catalogue of checks of less serious offences as well as the possibility of simplifying the use of access to the SIENA information exchange channel.

13. Could you provide us with potential guidelines regarding the structure and the activities of AROs?

There are no guidelines that regulate the structure and activities of the Asset Recovery Bureau. The tasks that the Asset Recovery Unit performs are included in the regulations of the Bureau for Combating Economic Crime of the Police Headquarters. Tasks: To carry out the tasks of the national Asset Recovery Bureau; To supervise the implementation by the police units and organisational units of tasks in the field of detection and identification of property derived from crime or other property related to related to crime; tiaising with national entities authorised to uncover, identify, secure and recover property; Carrying out international cooperation, concerning the issues of uncovering, identifying, securing and recovering property derived from or related to crime related to crime, in particular in relation to the activities of the Camden Asset Recovery Inter-Agency Network (CARIN) and other similar international initiatives; Maintaining a 'Collection of Good Practice' and the dissemination of solutions to foster the disclosure of and identification of proceeds of crime or other crime-related property; Developing proposals for amendments to the legislation governing the disclosure, identification, securing and recovery of criminal or crime-related property; Organising and participating in in-service training of police officers within the department's jurisdiction.

14. Do you have any further reform proposals, at a national or international level, concerning the structure and the activities of AROs?

As a first step, a broader mandate should be given to the activities of the national AROs, in order to fulfil their core tasks, as well as to enable a more efficient implementation of the tasks foreseen by the new EU Directive 2024/1260, i.e: a) granting direct access to databases: from the financial sector, fiscal sector, social benefits; b) granting powers to execute blockades on bank accounts, in order to take effective actions against financial crime using the financial system upon national and international request; c) standardising the scope of activities, powers and structures.

15. Do you have any further policy recommendations, at a national or international level, concerning the structure and the activities of AROs?

Increase cooperation of NROs with those responsible for collecting and processing data from the financial sector, which may be related to the subjects of money laundering and terrorist financing offences. At the same time, it would be appropriate to increase the category of offences under which the General Inspector of Financial Information (Financial Investigation Unit - FIU), may block or stop financial transactions. At the same time, such powers should be given to the services that have the greatest access to those affected by the offences using a system of with a crime that is not necessarily directly related to money laundering or terrorist financing. Financial fraud offences are currently among the most common, socially acute criminal activities. In a small number of cases, it is possible to recover lost funds, but with prompt action by the victims together with the anti-crime authorities, it is possible to In light of the new [Directive \(EU\) 2024/1260](#) on “asset recovery and confiscation”, do you consider the changes proposed for the functioning and composition of AROs to be effective? Please explain your reasoning and any anticipated impacts on your operations.

16. In light of the new Directive (EU) 2024/1260 on asset recovery and confiscation, do you consider that the proposed changes to the operation and composition of asset recovery offices are effective? Please explain your reasoning and any anticipated impact on your business.

At the current legislative stage, it is difficult to assess the effectiveness of the new solutions. In the case of ARO Poland, the implementation of the Directive may entail far-reaching changes even in the very functioning of the central ARO unit. According to the new guidelines, changes may or will be necessary for the central unit itself, as well as for the ARO field units. The guidelines indicated in the new directive cover issues that have not yet been applied in Polish legislation, nor were they the task of the ARO.

17. Does your organization collect data on the gender of individuals affected by asset freezing and confiscation orders? How is this information used to inform the functioning and policies of the ARO?

ARO Poland does not collect information related to freezing and asset confiscation orders.

Section 2 – The Management and the Social Reuse of Frozen and Confiscated Assets

1. Which entities or agencies are responsible for managing frozen and confiscated assets in your country? Please provide a brief description of the activities performed by each entity or agency.

Prosecution and Courts depending on the stage of the proceedings.

231. Deposit.

§ 1. In case of doubt to whom a seized object should be returned, the court, court referendary or the public prosecutor places it in the judicial deposit or hands it over to a trustworthy person until the doubts concerning the title to the object are resolved. Provisions concerning the liquidation of deposits and unclaimed objects apply accordingly.

§ 2. Objects of scientific, artistic or historical value are deposited with a museum or another competent institution.

Art. 232. Sale of objects.

§ 1. Objects easily perishable or those whose storage would be connected with disproportionate costs or excessive difficulty or would cause a significant decrease of their value, may be sold in accordance with the procedure applied by appropriate authorities of enforcement proceedings. The decision on sale in the course of preparatory proceedings may be issued by the public prosecutor, and in court proceedings by the court or court referendary.

§ 2. The amount obtained is put in the judicial deposit.

§ 3. The accused and other interested parties should be, if possible, notified of the time of the sale and of its conditions.

Art. 232a. Storage and destruction of objects and substances.

§ 1. Objects or substances dangerous to life or health, in particular weapons, ammunition, explosives, flammable or radioactive materials, poisonous, asphyxiant or burning substances, drugs or psychotropic substances or their products and category 1 precursors, as well as tobacco products and alcoholic beverages, are stored in a place and manner ensuring their adequate security.

§ 2. If, in an effort to ensure the correct course of the proceedings, it is sufficient to maintain samples of the objects or substances referred to in § 1 in a quantity allowing them to be tested, the court competent to hear the case, or a court referendary at the request of the public prosecutor, orders that the remaining objects or substances be destroyed completely or in the part superfluous for the tests.

§ 3. If a partial destruction of the substances referred to in § 1 was ordered, the court or the court referendary simultaneously indicates in the decision the time and place, where the remaining part should be stored in a quantity allowing testing.

§ 4. Objects and substances creating an imminent danger to life or health due to of the risk of explosion of flammable or explosive materials, or other violent release of energy, spread of poisonous, asphyxiant or burning substances, release of nuclear energy or ionising radiation, or whose storage in an unchanged condition is impossible, may be destroyed before the issuance of the decision referred to in § 2.

§ 5. The Council of Ministers shall define by way of a regulation a list of entities authorised to store and destroy the objects and substances referred to in § 1 and their samples, detailed conditions and place in which they should be stored, as well as conditions and manner in which they should be destroyed, bearing in mind the necessity of ensuring a correct course of proceeding and its costs.

2. Can you provide statistics on the types and values of assets currently managed by authorities responsible for frozen and confiscated assets? How many of these assets result from the application of the REG?

The number of freezing orders and confiscation orders received by a Member State from other Member States that were recognized: Freezing orders that were recognized: 15

Confiscation orders that were recognized: Poland does not possess these statistics

The number of freezing orders and confiscation orders received by a Member State from other Member States that were executed:

Freezing orders that were executed: 17

Confiscation orders that were executed: Poland does not possess these statistics

In addition, we would like to inform you that the Public Prosecutor's Office has already recognised and executed 2 freezing orders received in 2020.

The number of freezing orders and confiscation orders received by a Member State from other Member States the recognition and execution of which were refused:

Freezing orders that recognition and execution were refused: 11

Confiscation orders that recognition and execution were refused: Poland does not possess these statistics

The number of cases in which a victim was compensated or granted restitution of the property obtained by the execution of a confiscation order under this Regulation; 5 The average period required for the execution of freezing orders and confiscation orders under this Regulation:

3. How do competent authorities maintain the value of confiscated and frozen assets, especially for items requiring specific measures to prevent degradation?

As in the point 1.

4. Are there any international or interagency collaborations aimed at improving the management of assets frozen or confiscated under the REG?

There is currently cooperation between the courts and the public prosecutor's office and the bailiffs responsible for the sale.

5. How do competent authorities ensure transparency in the management and disposal of frozen or confiscated assets in your country? How are risks of corruption or mismanagement addressed?

Property sales occur with the involvement of bailiffs. Therefore, there is no possibility to influence the price etc.

6. What are the main challenges that competent authorities in your country face in managing confiscated and frozen assets, and how do they tackle them? If possible, make specific reference to goods frozen and confiscated under the REG.

No responses containing problems and challenges were received.

7. What procedures are followed for the sale or disposal of frozen and confiscated assets? What criteria are used to decide whether to sell or reuse an asset?

A possible sale may concern items: 1) subject to rapid deterioration or whose; 2) storage would be associated with disproportionate costs or 3) storage would be associated with undue hardship or 4) would cause a significant reduction in the value of the item.

(3) The sale shall take place without a tender through the relevant commercial unit, subject to the provisions governing the sale by way of execution of movable property. The provisions governing the sale of movable property by way of execution are set forth in Article 864 § 2 and Article 865 of the CCP. The amount of money obtained from the sale shall be handed over to the court depository.

(4) Notification of the accused and other interested persons of the time and conditions of the sale, is not absolutely required. This follows as far as possible (§ 3). It is aptly pointed out by P. Hofmański (KPK. Komentarz, vol. I, 2003, p. 1045) that this notification may be waived in particular when the sale, due to the danger of rapid destruction of the item, must take place immediately.

(5) A decision on the sale of items requires the form of an order, which may be appealed against by persons referred to in Article 236 of the Code of Criminal Procedure.

Article 864 [Permitted time limit for sale of seized movables].

§ 1. the sale of the seized movables may not take place earlier than after the expiry of two weeks from the date on which the seizure becomes final.

§ 2. The sale of seized movables may take place immediately after the seizure if:

- 1) the movables are easily spoiled or the supervision or storage of them would cause excessive costs;
- 2) livestock has been seized and the debtor has refused to agree to take custody of it.

Article 8641 [Sale by negotiation] The bailiff may sell the movable property by negotiation if the debtor has agreed to it and has determined the minimum sale price. The sale may take place if none of the creditors conducting the enforcement has objected to it within a week, and in the case of the movables mentioned in Article 864 § 2 - within three days, from the day the bailiff notifies him of the intention to conduct it and of the minimum sale price specified by the debtor.

Article 865 [Non-auction sale].

§ 1 Seized movables not in use, being the subject of trade, may be sold by the bailiff at the request of a party to an entrepreneur trading in such movables at wholesale prices, and when such prices are not documented, at prices 25% lower than the estimated value of the movables.

8. Describe the process of selling confiscated assets. What sales methods are used (public auctions, private sales, online sales, etc.)? How is the selling price of confiscated assets determined?

As above.

9. What is the average time between the confiscation of an asset and its sale?

We do not have such data.

10. How are the proceeds from the sale of confiscated assets managed? If possible, make specific reference to goods frozen and confiscated under the REG.

There were no such cases.

11. Have there been cases where assets frozen or confiscated under the REG have been used for the benefit of the community? Could you provide some examples?

There were no such cases.

12. Are there specific procedures for transferring confiscated assets to public bodies or non-profit organizations?

Art. 232b [Free transfer of objects] § 1.

§ 1. In a state of epidemic emergency or a state of epidemics, seized objects of significance for public health or safety may be handed over free of charge to medical entities, the State Fire Service, the Armed Forces of the Republic of Poland, the Police, the Border Guard and state and local government institutions. Article 192 of the Criminal Executive Code shall apply accordingly.

§ 2. A decision on the gratuitous transfer of objects shall be issued in pre-trial proceedings by the prosecutor, and after the indictment is filed by the court competent to hear the case.

§ 3. The decision referred to in paragraph 2 may be appealed against. The lodging of a complaint shall not suspend the execution of the appealed decision.

13. What are the main challenges in reusing confiscated assets, and how are they addressed?

There were no such cases.

14. What types of confiscated assets are commonly allocated for social reuse (e.g., real estate, vehicles, technological goods)?

There were no such cases.

15. Which entities or organizations are involved in deciding and implementing the social reuse of confiscated assets?

There were no such cases.

16. What is the process for oversight and control to ensure that assets are used appropriately and effectively once assigned for social reuse?

There were no such cases.

17. How is the maintenance and insurance of confiscated assets managed during their use for social purposes?

There were no such cases.

18. Have there been any successful or unsuccessful cases of social reuse of confiscated assets that could provide lessons for improving future practices?

There were no such cases.

19. Considering the specific vulnerabilities of female victims in cross-border crimes, what measures are in place to ensure that women's rights to compensation and restitution are prioritized in the management of frozen and confiscated assets?

There were no such cases.

20. Do you have any proposals for the harmonization of EU MS legislation on the management and social reuse of frozen and confiscated assets?

There were no such cases.

21. Could you provide us with potential guidelines regarding the management and social reuse of frozen and confiscated assets?

There were no such cases.

22. Do you have any further reform proposals, at a national or international level, concerning the management and social reuse of frozen and confiscated assets?

No.

23. Do you have any further policy recommendations, at a national or international level, concerning the the management and social reuse of frozen and confiscated assets?

No.

24. Considering the provisions of the new [Directive \(EU\) 2024/1260](#) on “asset recovery and confiscation”, how effective do you find the new measures regarding the management and social reuse of confiscated assets? Are there aspects of the directive that could be improved or implemented differently?

No.

Section 3 – Victims' rights to compensation and restitution in cross-border confiscation and third parties' rights

1. What national laws or regulations govern the rights of victims to compensation and restitution in cross-border confiscations?

Code of Criminal Procedure, Civile Code, Civil Procedure Code, Criminal Code and Act of 7 July 2005 on State Compensation to Victims of Certain Crimes

2. Are there bilateral/multilateral agreements that your country utilizes to facilitate compensation and restitution for victims in cases of cross-border confiscation?

Yes there are such agreements.

3. How is the eligibility of victims determined to receive compensation or restitution? What criteria are used?

If the victim of a criminal act has suffered a death, you can apply for compensation if the victim was for you:

a spouse or common-law partner,

a parent, grandparent, great-grandparent,

a child - including an adopted child - a grandchild or great-grandchild.

It does not matter whether you were dependent on the victim.

If you are a relative or dependent of a surviving victim of a criminal act in such a case, only the victim of the criminal act is entitled to compensation.

It is not your nationality but your place of residence that determines whether you receive compensation. You may obtain compensation if your permanent residence is in the territory of the Republic of Poland or another Member State of the European Union.

You may apply for compensation before the Polish adjudicating authority only if the crime was committed in the territory of the Republic of Poland. If the act was committed in the territory of another Member State of the European Union, you may apply for compensation only in that state. If you need assistance, it will be provided by the District Public Prosecutor's Office serving near your place of residence.

What losses and expenses will be covered by the offset?

Will the compensation cover, for example:

(a) In the case of a victim of a criminal act:

- Property damage (not psychological)

Costs related to medical treatment (treatment - in-patient or out-patient, convalescence) Yes

Additional needs or costs resulting from the injury (i.e. care and assistance, temporary or permanent treatment, long-term physiotherapy, adaptation of the dwelling, special equipment, etc.) Yes
permanent health impairment (e.g. disability and other permanent impairment)

loss of earnings during and after treatment (including lost earnings and loss of earning capacity or reduced standard of living, etc.) yes

lost opportunities no

costs of legal proceedings related to the event that caused the damage, such as legal fees, court costs no

compensation for stolen or damaged personal property no

Other

- Non-economic damage (non-material damage):

pain and suffering of the victim no

(b) For entitled persons or relatives of the victim:

- Pecuniary damage (not psychological)

funeral expenses medical expenses (e.g. therapy for a family member, out-patient or in-patient treatment, rehabilitation) yes

Loss of livelihood or lost opportunities yes

- Non-economic damage (non-material damage):

pain and suffering of relatives or beneficiaries/compensation of survivors after the death of the victim of a criminal act no

4. What is the process for victims to request compensation or restitution?

The police or the public prosecutor's office should be notified of the offence, as a copy of the notification must be attached to the application for compensation. You do not have to do this in person. The public prosecutor who will investigate the case will assist you in obtaining compensation. Remember that filing a criminal report will give credibility to your claim in a situation where the perpetrator has not been detected.

You may submit your claim for compensation before the public prosecutor's office (police) or the court has completed its investigation. The decision to award compensation may be made before the criminal proceedings are concluded.

It only makes sense to claim compensation from the offender if there is a realistic chance that you will receive it from him. In a situation where it will not be possible for the offender to pay compensation, you can apply for compensation without first having to claim against the offender. You will then have to show that you will not receive compensation from him. This may be the case if the perpetrator has no assets or is in prison for many years where he is not working.

When applying for compensation, remember that you should submit your application no later than five years from the date of the offence. An application submitted after this deadline will not be considered. You are entitled to compensation regardless of whether the offender has been identified or convicted. If this is the case, you should prove in the course of the proceedings for compensation that the event for which you are claiming compensation was a criminal act.

The compensation shall be paid in a lump sum. It shall be paid by the court which made the decision to award it within one month of that decision becoming final.

If you have contributed to the commission of a criminal offence, the compensation will be reduced proportionally.

You will not receive compensation if you were an accomplice to the offence or accepted that you would suffer the consequences of the offence.

Your financial situation is not relevant to your application for compensation. When considering your application, it will be important to establish whether you can get compensation from the perpetrator, social assistance or insurance. Compensation will be granted if the court determines that you will not receive compensation from any of these sources.

The only conditions for granting compensation are that you cannot get compensation from the perpetrator, from social assistance or from insurance.

It will be your responsibility to show what costs you have incurred as a result of the criminal act. If you will be claiming lost earnings, you should provide a document showing how much you earned. Costs related to medical treatment and rehabilitation and funeral expenses are best proven with receipts. If you do not have bills, you can apply for witnesses or experts.

If the court considers that it cannot be proved accurately in your case that you are entitled to the amount you claim, it may award an appropriate sum according to its assessment, based on a consideration of all the circumstances.

The principle is to grant compensation in one go.

In your application you should state what amount you are claiming. There is no specific instruction, but you can include information to the point "How the compensation will be calculated".

If you have received funds for funeral expenses, lost earnings or other means of subsistence (e.g. alimony) or costs related to treatment and rehabilitation from the offender, insurance or social assistance, the court will reduce the compensation by these.

You may apply for a sum of money to cover necessary costs for treatment and rehabilitation or funeral expenses before the application is determined. You may submit your application before or at the same time as your application for compensation.

The compensation cannot exceed PLN 25,000, or PLN 60,000 if the victim has suffered death. The law does not specify the minimum amount of compensation.

5. What are the main challenges that victims face in receiving compensation or restitution in cases of cross-border confiscation?

We do not have such cases.

6. Which entities or organizations are responsible for assessing and processing victims' claims for compensation or restitution?

As above

7. How are conflicts of law or legal complications that may arise during the process of cross-border compensation or restitution managed?

We do not have such problem.

8. Have there been cases where victims have struggled to obtain justice due to linguistic, cultural, or legal barriers? How were these handled?

We do not have such problem.

9. What measures are in place to ensure that victims are informed of their rights and the process for claiming compensation or restitution in cross-border confiscation?

Victims and aggrieved parties receive appropriate instructions from the authority both in writing and verbally.

In addition, there is a website that infomercials about it both in Polish and the eu portal in other languages.

10. What is the success rate of cross-border compensation or restitution claims for victims in your country?

We do not have such cases.

11. Are there any initiatives or future plans to enhance the rights of victims to compensation and restitution in cross-border contexts?

Currently it does not.

12. What procedures are in place to identify and protect the rights of third parties before the seizure or confiscation of an asset?

Article 293 [Jurisdiction of authorities, complaint].

§ 1. The decision on property security shall be issued by the court, and in pre-trial proceedings by the prosecutor.

§ 2. The order shall quantify the extent and manner of the security, taking into account the size of the fine, punitive measures, forfeiture or compensatory measures that can be imposed under the circumstances of the case. The size of the security should correspond only to the needs of what it is intended to secure. The requirement of the amount of security shall not apply to the security on the seized object subject to forfeiture as being directly derived from the crime or serving or intended for its commission.

§ Paragraph (3) A decision on security may be appealed against. The provision of Article 254 § 2 shall apply accordingly.

§ 4. If the decision was issued by the prosecutor, and the pre-trial proceedings are conducted in the district of a court other than the court with local and material jurisdiction, the complaint may be lodged with the court with material jurisdiction to hear the case in the first instance, in whose district the pre-trial proceedings are conducted.

§ 5. The order on property security upon issuance shall constitute an enforcement title.

§ 5a. The order on property security upon issuance shall constitute an enforceable title.

§ 5a. A decision on the revocation of property security or on a change leading to a reduction in the value of the secured property shall become enforceable as of the date it becomes final.

§ 6. If the security has been established on the property that the accused has previously surrendered to the procedural authority or that has been seized as a result of the actions referred to in Chapter 25, no enforcement action shall be taken for the execution of the security order.

§ 7. A natural person, legal entity or unincorporated organizational unit referred to in Article 45 § 3 of the Criminal Code may bring an action against the State Treasury to establish that property or a part thereof is not subject to forfeiture. Pending final resolution of the case, enforcement proceedings shall be suspended.

13. How is the claims process handled by third parties who believe they have legitimate rights to seized or confiscated assets?

As above

14. Are there specific mechanisms to ensure that third parties are promptly informed of the seizure or confiscation of assets that may concern them?

As above

15. What appeal rights are available to third parties who are dissatisfied with decisions regarding seized or confiscated assets?

As above

16. Have there been cases where the rights of third parties have been recognized after the confiscation of the asset? What was the procedure followed to return the asset or compensate the third party?

No data.

17. Do authorities in your country promote the social reuse of confiscated assets to support services and programs specifically aimed at women affected by crime? Can you provide examples of such initiatives?

No.

18. Do you have any proposals for the harmonization of EU MS legislation on the victims' rights to compensation and restitution and third parties' rights?

We have no comments in the indicated scope.

19. Could you provide us with potential guidelines regarding the victims' rights to compensation and restitution and third parties' rights?

We have no comments in the indicated scope.

20. Do you have any further reform proposals, at a national or international level, concerning the victims' rights to compensation and restitution and third parties' rights?

We have no comments in the indicated scope.

21. Do you have any further policy recommendations, at a national or international level, concerning the victims' rights to compensation and restitution and third parties' rights?

We have no comments in the indicated scope.

22. Does the approach outlined in the new [Directive \(EU\) 2024/1260](#) on “asset recovery and confiscation” effectively address the rights of victims, particularly regarding compensation and restitution? If not, what gaps or challenges do you foresee, and how could they be addressed?

We are in the process of analyzing the directive. it is not possible to answer the question.