

RECOVER
CRIME DOESN'T PAY



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RECOVER

Mutual recognition of freezing and confiscation orders between efficiency and the rule of law

Grant Agreement No. 101091375

Asset management and protection of third parties

Alis SCUTARU-ŞANDRU – ANABI, Romania

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 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 under the Romanian Code of Criminal Procedure.
- 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.

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.

- 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.

Seized assets - ANABI:



Seized assets - ANABI:



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


- 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**).

Baltic amber from smuggled contraband, seized by DIICOT, recovered by ANABI and exhibited at the museum




Online Portal

<https://anabi.just.ro/licitatiionline/>


Limba Autentificare Inregistrare

[Acasa](#) [Despre noi](#) [Regulament](#) [Intrebări Frecvente](#) [Categorii](#) - [ANABI](#)


Cum pot cumpara? Simplu, urmeaza cei cinci pasi:

- 


Alegi bunul
care te intereseaza

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

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

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Castigi licitatia online
primind de la ANABI confirmarea
adjudecarii si putand plati
diferenta de pret in contul
Agentiei in termen de 5 zile

[Detalii](#)
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**Esti proprietarul
bunului**
poti veni sa il preiei

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Ultimele licitatii adaugate

 <p>Autovehiculul marca BMW, Tipul 730 LD, a doua licitație</p> <p><input type="checkbox"/> Autovehicule</p> <p>Pret de pornire: 119,400.00 lei, Oferta curenta: -</p> <p> timp ramas</p>	 <p>Autovehiculul MERCEDES BENZ, Clasa E (W213)</p> <p><input type="checkbox"/> Autovehicule</p> <p>Pret de pornire: 84,106.00 lei, Oferta curenta: -</p> <p> timp ramas</p>	 <p>BMW Model Seria 5 Sedan (G30)</p> <p><input type="checkbox"/> Autovehicule</p> <p>Pret de pornire: 91,074.00 lei, Oferta curenta: -</p> <p> timp ramas</p>	 <p>NISSAN QASHQAI II (J11, facelift 2017)</p> <p><input type="checkbox"/> Autovehicule</p> <p>Pret de pornire: 47,279.00 lei, Oferta curenta: -</p> <p> timp ramas</p>
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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.

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.

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.

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.



ROARMIS



- All seized and confiscated assets
- Entire **life cycle**
- Compensations for victims
- 17000 users
 - police – prosecution – courts
- ROARMIS **2** - ongoing

Open
Government
Partnership



PC-RAC members and observers expressed views on aspects that should be covered pursuant to the ToR:

- **sharing** of confiscated assets
- **management** of seized and confiscated assets
- **non-conviction-based confiscation**
- **extended confiscation** in criminal matters
- **co-operation** regarding and **execution** of requests and confiscation decisions in transnational cases

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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*All references to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.
 *Toute référence au Kosovo dans le présent document, qu'il s'agisse de son territoire, de ses institutions ou de sa population, doit être entendue dans le plein respect de la Résolution 1244 du Conseil de sécurité de l'Organisation des Nations Unies, sans préjudice du statut de Kosovo.



PC-RAC held 3 meetings in 2024



December 2025 – new additional protocol ready for approval



“ONE STOP SHOP”

- ✓ ARO
- ✓ AMO
- ✓ ROARMIS
- ✓ ASSET SHARING
- ✓ SOCIAL & PUBLIC REUSE
- ✓ MECHANISM TO SUPPORT CRIME PREVENTION
- ✓ POLICY
- ✓ INVESTMENTS PLAN
- ✓ SHARING BEST PRACTICES



Protection of third parties

- In Romania, several procedures are in place to identify and protect the rights of third parties before the seizure or confiscation of an asset. These procedures ensure that the rights of individuals or entities who are not directly involved in the criminal activity but have a legitimate interest in the asset are safeguarded.
- When an asset is identified for seizure or confiscation, **the relevant authorities must notify any known third parties who may have a legal interest in the asset.** This notification includes information about the legal proceedings and the reasons for the seizure or confiscation. **Third parties are then given the opportunity to present their claims and evidence to the court.**
- Third parties have the **right to seek judicial review of the seizure or confiscation order.** They can file objections and provide evidence to demonstrate their legitimate interest in the asset. The court will assess the validity of their claims before making a final decision on the seizure or confiscation. **Throughout the process, third parties can be represented by legal counsel.** Legal representatives can file petitions, present evidence, and argue on behalf of the third parties to protect their rights.
- If a third party's claim is denied by the initial court, they have the right to appeal the decision to a higher court. This provides an additional layer of protection and ensures that third parties have multiple opportunities to assert their rights. Romanian law also includes provisions to protect the rights of bona fide purchasers, who may have acquired the asset without knowledge of its connection to criminal activity. Courts take into consideration the good faith of third parties when deciding on seizure or confiscation.

Protection of third parties

- During criminal investigations, the right to contest can be exercised by the suspect, the defendant, or any other interested person, such as the owner or possessor of the asset who is not a suspect, defendant, or civilly responsible person. This right is particularly relevant in the case of freezing measures taken to repair damage caused by the crime and to guarantee the execution of judicial expenses.
- The deadline to file a contestation is three days, starting from the date of notification of the order or from the date of its execution, according to Article 250 para. 1 of the Criminal Procedure Code. If the freezing measures are decided during the preliminary chamber procedure or during the trial, the legislator has provided a means of contestation. Specifically, Article 250¹ was introduced to the Criminal Procedure Code through O.U.G. No. 18/2016. This regulation establishes that if the freezing measure is taken by the preliminary chamber judge, the court of first instance, or the appellate court, the respective decision can be contested by the defendant, prosecutor, or any other interested person within 48 hours of the decision's pronouncement or notification.
- These procedures collectively ensure that the rights of third parties are identified and protected before the seizure or confiscation of assets, providing a fair and transparent process for third parties to assert their interests and seek judicial remedies if necessary.

Protection of third parties

- Romanian law provides robust protections for third parties in these situations. Article 257 of the Criminal Procedure Code mandates that third parties must be notified through written citations, telephone, or telegraph notes, with a corresponding report. Third parties can appeal decisions about seizures. If the prosecutor orders the seizure, appeals go to the court. If a judge orders it, appeals go to a higher court. Ensuring third parties are treated fairly involves court hearings where they can present evidence and arguments. Courts must presume good faith unless proven otherwise.
- For example, consider a case where an individual unknowingly purchases a car that was used in criminal activities. Upon discovery, the car is seized. The buyer, in good faith, contests the seizure, presenting the purchase contract and proof of payment. The court, recognizing the buyer's good faith, decides the car cannot be confiscated from the buyer. If the car has already been sold or destroyed, the court will determine fair compensation for the buyer, ensuring they are not penalized for their legitimate purchase

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Thank you!

Team ANABI