



**THE
SOCIAL
RE-USE
OF CONFISCATED
ASSETS IN EUROPE
A FIRST MAPPING**





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Acknowledgements

BASTA - Belgian Antimafia Steps Towards Awareness (Belgium);
CSD - Center for the Study of Democracy (Bulgaria);
ACDD - Asociatia pentru Cooperare si Dezvoltare Durabila (Romania);
FIADYS - Fundación para la Investigación Aplicada en Delincuencia y Seguridad (Spain).

The data collection phase closed in June 2021
The report editing phase closed in July 2021

Report performed within the project “Good(s) Monitoring, Europe!,”
financed by the European Union with reference to the programme
“Support for citizen engagement in implementation of cohesion policy”
(r.n. of the call for proposals 2020CE16BAT012).

This publication reflects only the author's view and European
Commission is not responsible for any use that may be made of the
information it contains.



**Co-funded by
the European Union**

Project graphics Francesco Iandolo
Printing Tipografia dell'Università - Palermo
Translations Orsetta Spinola

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25 YEARS OF COMMITMENT AND THE NEW CHALLENGES FOR LIBERA'S NETWORK

"(...) The path of simple repression, which strikes at the outgrowth, but does not change the economic, social and political humus in which the Mafia has its roots, has not led and could not lead to definitive results (...)." Pio La Torre wrote this in 1976 in his minority report for the Italian Anti-Mafia Inquiry Commission. It was a new vision that placed citizens at the centre of the fight against mafias and emphasised the importance of building spaces of social justice.

Twenty-five years ago, Libera extended its hand towards the law written and imagined by Pio La Torre, taking up his legacy and making progress. It is not enough to remove power and credibility from the mafias by taking away their illegally acquired wealth; this wealth must return to the community in the form of opportunities for economic development and social cohesion. In 1996, after a nearly year-long signature collection campaign, Libera presented a popular petition in support of a bill for social reuse of assets confiscated from mafiosi and corruption. It was approved on 07 March 1996. In 25 years, Libera and the associative network have written important commitments and have accompanied the local authorities and non-profit world towards the full application of this law, certain of the deep meaning in liberating and transforming the confiscated goods in a project of new life. Over these years, we repeatedly defended this law and proposed regulatory changes against the possibility of selling these assets to private individuals.

One of our main lines of action with the network of associations and non-profit organisations is to make the territories aware of the importance of their own actions. This is especially true in the planning phase of public policies, actors and interlocutors of the administrations, proposing subjects in the social reuse process, as is well highlighted in Italy by the National Agency for the Administration and Destination of assets seized and confiscated from organised crime.

Our experiences of information, training and territorial accompaniment have made clear the importance of initiating practices of participatory planning and civic monitoring. This principle is reaffirmed in the National Strategy for



the Development of Confiscated Assets and in the fourth Italian Open Government Plan. Involving the social and territorial context in the needs analysis and design of the future guarantees greater strength in the experience of public and social re-use. This makes it a sign of change and a keystone for an alternative community to the mafia.

At this stage, the attention paid to projects for social reuse of confiscated property is essential to ensure creation of the right conditions of economic and social sustainability for the territory and community. The aim is to turn all these properties into concrete signs of change and tools for a new development model.

Today, Italy's social reuse panorama is vast: 900 voluntary and cooperative organisations manage confiscated properties, many of them named after innocent mafia victims. They offer services from the community for the community, in support of new models of social and economic development. This commitment has gone literally around the world. European directive no. 2014\42 has been implemented by 19 EU member states along with experiences of public and social reuse in Spain, Holland, France, Albania, Belgium and Bulgaria. In Latin America, the federal state of Mexico City has included social re-use in its constitution, and in other nations, such as Colombia and Argentina, civil society and some institutions are working to turn this procedure into a real opportunity.

Finally, a word on the issue of transparency: monitoring the activities of public bodies is one of citizens' highest forms of democratic participation. They thus become aware of how national and European funds are invested in their territories. Confiscated assets, so fragile yet significant, need to be brought to light and for the people to be told about their beautiful revolution.

"If we want to deal a decisive blow to the power of the mafia," wrote La Torre, "we need to eradicate the system of clientelistic power through the development of democracy, promoting the united mobilisation of workers, popular self-government and the participation of citizens in the functioning of democratic institutions."

To conclude: confiscated assets are common property, tools to activate the fundamental rights of each one of us. With our commitment, assets taken away from the mafia power become places of redemption and growth for the community. Thanks to them, we can rediscover the deep sense of belonging to a territory and its history. Flats, villas, land and much more are illuminated thanks to the citizens' resistance that we are learning how to build against mafia and corruptive power.



GOOD(S) MONITORING, EUROPE!

The "Good (s) Monitoring, Europe!" project is underway, promoted by Libera, Associations, names and numbers against the mafias. The aim is to create social inclusion strategies for the population's most disadvantaged members through public and social reuse of assets confiscated from organised crime in Europe and activation of participatory bottom up processes for integrated territorial development.

OpenCoesione is a partner of the project, funded by the Directorate General for Regional and Urban Policy (DG REGIO) of the European Commission.

The actions foreseen within the "Good (s) Monitoring, Europe!" meet three specific objectives:

- mapping best practices of public and social (direct and indirect) reuse of confiscated assets in Europe, regarding the strengthening of existing instruments or activities to foster the involvement of citizens in cohesion policy;
- creating a civic monitoring model to be implemented in other European Union countries for the effective reuse of confiscated assets, which can be replicated in similar areas of intervention (common assets, public policies, administrative procedures, etc.);
- activating civic planning programmes in Europe for regeneration of urban and community spaces through enhancement of confiscated assets and the promotion of a European strategy connected to cohesion policies.

Several results are to be achieved by the end of the project, 31 October 2021: development of **a new toolkit supporting civic monitoring actions** for enhancement of confiscated assets (replicable in other areas with the cohesion policy) and the **establishment of an informal transnational network of monitoring civic communities** to implement the exchange of good practices.



HOW THE MAPPING WAS CARRIED OUT

GME! Research's project started on 1 November 2020.

The working method aims to develop a process of transnational cooperation through the provision of real opportunities for dialogue among key actors on a country-by-country basis.

In particular, the work methodology will be diversified according to the activities and their time phase.

In this phase named A1.1 (M1 to M4), the research method provides for a first phase of data collection through the European Union's official platforms (such as Eurlex) and published reports on the implementation of Directive 2014/42/EU on national legislative initiatives for management of confiscated assets.

Thanks to direct participation in the ARO platform, existing contacts with national bodies for management of confiscated assets will be activated to include data relating to the implementation of Article 10.3 of Directive 2014/42/EU.

The mapping of practices will focus on an analysis of the impact of cohesion policy funds

on the possibility of socially reusing confiscated assets. After an analysis of the collected data and processing of the mapping results, countries will be evaluated based on the degree of national implementation of Article 10.3 of the Directive.

Countries will then be divided into three priority groups:

Tier 1: countries having initiated public and social confiscated property re-use practices.

Tier 2: countries that include the practice of reuse in their legislation, but with no projects implemented.

Tier 3: countries which have not transposed this legislation into their national legislation.

Starting from these three groups, a questionnaire was administered based



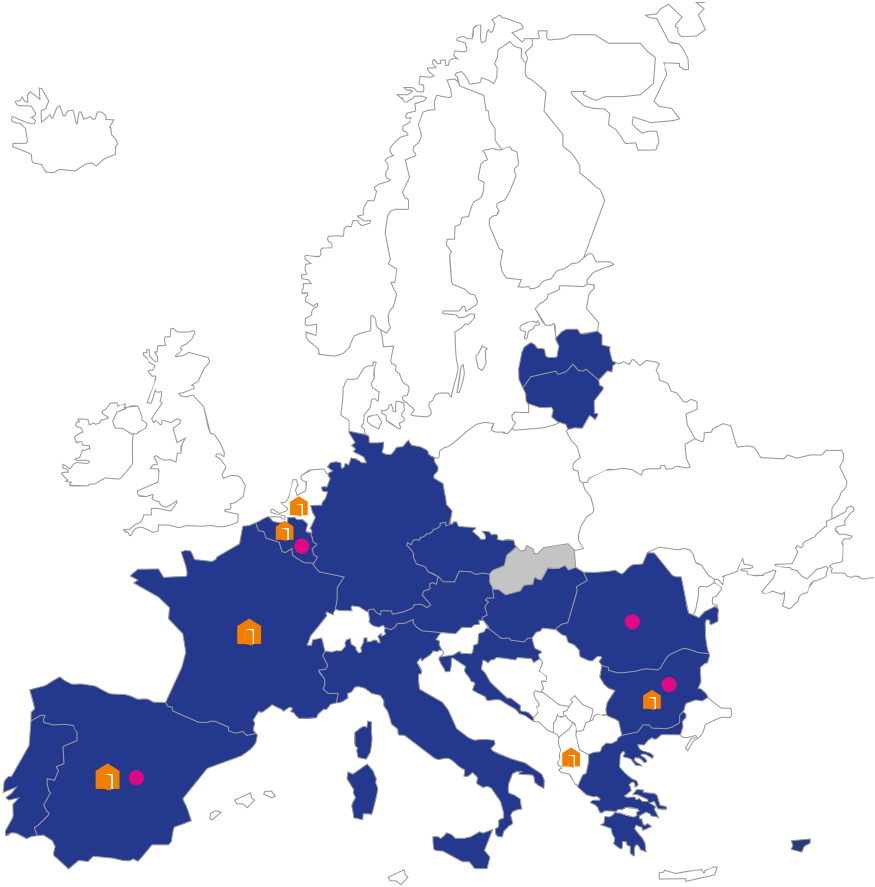
on seven questions (the last three questions about the Cohesion Policies are optional).

The survey was addressed to the ARO contact points, the Prosecutor Officers, and Justice Ministers are involved in Asset Management.

Through a state-wide search on data collected from the survey and individual research, completed by further information, a country information sheet was produced for each Member State.



THE SITUATION IN EUROPE AN OVERVIEW



19 COUNTRIES HAVING THE REGULATION

Belgium, Bulgaria, Czechia, Germany, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Austria, Poland, Portugal, Romania, Slovenia

6 Countries with reuse practices

Spain, Netherlands, France, Albania, Belgium, Bulgaria

4 Countries chosen by the project

Spain, Bulgaria, Romania and Belgium





MAPPING SHEETS FOR INDIVIDUAL MEMBER STATES



THE SOCIAL RE-USE OF CONFISCATED ASSETS IN EUROPE: A FIRST MAPPING

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AUSTRIA

Official country name Austria

Capital Vienna

Government Federal parliamentary republic

EU member country since 1 January 1995



Presence of National agency on management of confiscated assets

No, there is no own National Agency.

The Federal Crime Police (Bundeskriminalant - Referat "Vermögensabhöpfung") is the responsible Asset Recovery Office (ARO) for the management of the confiscated assets.



Legislative measures assimilating EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets

According to Art. 408 Code of Criminal Procedure (CCP) any items forfeited or seized [under Art. 26 Criminal Code] that are of interest for scientific or historical contexts or for teaching, experimental, research, or other specialized functions, must be made available to public institutions or collections established for this purpose in Austria.

Otherwise, items that may be directly used to cover the material efforts by the justice system must be used for this purpose, and any other item must be sold as prescribed by Art. 377 CCP (public auction).

Items that subsequently can neither be employed nor used must be destroyed.





BELGIUM

Official country name Belgium

Capital Brussels

Government Federal constitutional monarchy

EU member country since 1 January 1958



Presence of National agency on management of confiscated assets

COSC.

Central Office for the Seizure and Confiscation of Assets (COSC) was created with the Law of 26 March 2003. COSC is a part of the Belgian Public Prosecutor's Office.



Legislative measures assimilating EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets

The social re-use (for real estate, in the Flemish Region only) is based on the Decree containing the Flemish Housing Code 51 of 15 July 1997.



Actions foreseen to facilitate this approach in the management of confiscated assets

The social management of real estate is put into practice mainly in Antwerp, while there are fewer cases in other parts of the Flemish region.

On 4th February 2016, COSC transferred seized vehicles to the Federal Judicial Police for the first time. Assets seized during a judicial investigation or criminal investigation can, under certain circumstances, be used in the fight against organized or serious crime (defined in Articles 324 and 90 ter of the Criminal Code).

Another precedent for the social use of confiscated property is the Augusta-Dassault case (Resolution DOC 501839/001, 31.05.2001).

At the time, the Court of Cassation decided that the confiscated sums should be given to the Public Centre for Social Welfare in Brussels (CPAS).

In the motion for a Chamber resolution, this donation is considered a "sanction" and not compensation. I understood that this measure was based on art. 253 of the Penal Code, which was subsequently repealed, and on which no information is available on the internet.





BULGARIA

Official country name Bulgaria

Capital Sofia

Government Parliamentary republic

EU member country since 1 January 2007



Presence of National agency on management of confiscated assets

Commission for Combating Corruption and Confiscation of Illegally Acquired Property (CCCCIAP) is an independent specialized permanent state body for the implementation of the policy on counteraction to corruption and confiscation of illegally acquired property.

The Inter-institutional Council for Management of Confiscated Property is an advisory body to the Council of Ministers of the Republic of Bulgaria, tasked with preparing advisory opinions pertaining to management of confiscated assets.



Legislative measures assimilating EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets

The Penal Code, the Code of Penal Procedure, the Combating Corruption and Confiscation of Illegally Acquired Property Act, the State Property Act and the Rules on the Implementation of the State Property Act provide the regulatory framework on combating organized crime, confiscation as a sanction, and management of confiscated assets as well as the possibility for social reuse of such assets.

According to the LAW AGAINST CORRUPTION AND FORFEITURE OF ILLEGALLY ACQUIRED PROPERTY (DV. no. 7, 9 January 2018, Chapter.13, Section 2, art. 168.5), “At least 30 percent of the value of the property confiscated in favour of the state must be used for social purposes, as the conditions and the order must be determined by an act of the Council of Ministers.”





CYPRUS

Official country name Cyprus

Capital Nicosia

Government Presidential republic

EU member country since 1 May 2004



Presence of National agency on management of confiscated assets

MOKAS.

The Unit for Combating money Laundering (MOKAS) was designated by the Council of Ministers on 18 March 2009 as the Asset Recovery Office (ARO) for implementing the Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to crime.



Legislative measures assimilating EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets

The domestic legislation AML/CFT Law has transposed art.10(3) of the EU Directive 2014/42 in section 19(5), which provides as follows:



“(5) (a) Monetary sums confiscated or received from the sale of assets pursuant to the enforcement of a confiscation order in favour of the Republic are paid into the Finance Ministry Management Budget under "Proceeds of Confiscation from Illegal Activities"

(b) The monetary sums mentioned in (a) above are used for social purposes.”

Following a recent amendment of section 19 of the AML/CFT Law, the following paragraph was added:

“Monetary sums or property confiscated or received from the execution of a confiscation order may be returned to the victim of the offence for which the confiscation order was issued.”

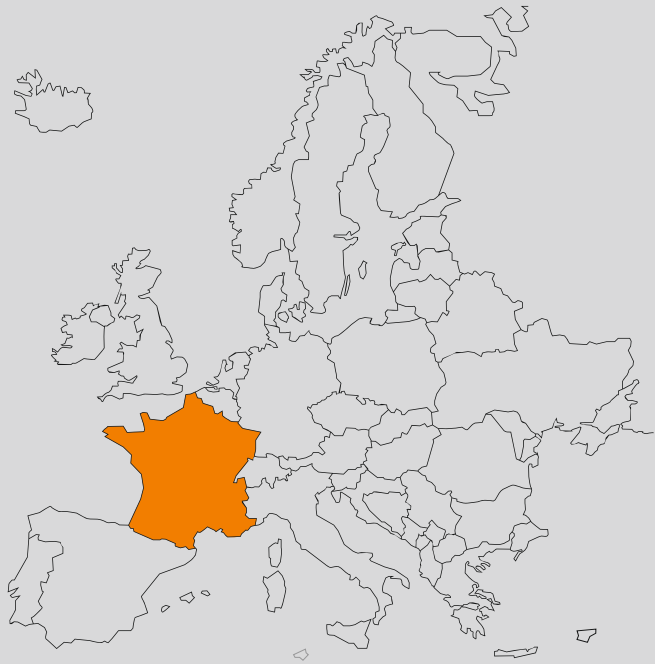
Actions foreseen to facilitate this approach in the management of confiscated assets



In current practise, the Ministry of Finance in Cyprus manages these sums coming from confiscated assets after they are deposited in the State Budget. The FIU-ARO does not have any involvement in the further use of such assets. However, as FIU-ARO, we are trying to report and encourage implementation of the abovementioned possibility that the law provides.

For example, recently we have been in close cooperation with the Cyprus National Addictions Authority, the state's supreme coordinating body in developing the national drugs policy and the treatment of addiction. We have managed to include in their new National Strategy 2021-2028 for Addressing Dependence on Illicit Substances that the funds coming from confiscated assets in the context of drug offences will be given drug treatment centres that also support the process of social reintegration of persons with a history of dependence. We will follow up with them on the issue to see how to better implement this in practice.





FRANCE

Official country name France

Capital Paris

Government semi-presidential republic with a head of government, the prime minister, appointed by the president, who is the directly elected head of state.

EU member country since 1 January 1958



Presence of National agency on management of confiscated assets

AGRASC (Agence de gestion et de recouvrement des avoirs saisis et confisqués).

The creation of AGRASC was provided for by Law No. 2010-768 of July 9, 2010, worn by the deputy Jean-Luc Warsmann. It was effectively created by a decree in 2011, codified in article R54-1 of the code of criminal procedure.



Legislative measures assimilating EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets

With the publication of the law (8th April 2021), a specific mechanism was introduced.

1. Appropriation of the confiscated assets before the final court decision

Articles 41-5 and 99-2 of the Code of Criminal Procedure provide for the possibility of handing over seized property to AGRASC with a view to its allocation free of charge to police services, gendarmerie units or government services (customs administration) that carry out judicial police missions. This device has been extended to judicial services.

This procedure is provided for in the third paragraph of Article 99-2 concerning judicial information and in the third paragraph of Article 41-5.

The following conditions must be cumulatively fulfilled regardless of the procedural framework (prosecution investigation or investigation):

- it is tangible personal property;
- property is liable to confiscation;
- continued seizure would reduce the property value;
- its preservation is no longer useful for the manifestation of the truth.

2. Allocation of confiscated assets

The proceeds of confiscations become the property of the State and as such are paid to the general State budget, except when the confiscation penalty is ordered for drug trafficking. In that case, the sums are paid to the MILDECA (narcotics competition fund, article 706-161 CCP).

Law n° 2014-1353 of 13 November 2014 reinforcing the provisions relating to the fight against terrorism has also supplemented article 706-161 CPP to provide that the AGRASC can also pay the State contributions intended for financing the fight against delinquency and crime. Finally, the 2017 finance law n° 2016-1917 of 29 December 2016 established a working fund intended to finance the prevention of prostitution and the social and professional support of prostitutes.



3. Compensation for victims

Developing the practice of seizures and confiscations also means better compensation for victims of the crime.

Pursuant to article 706-164 of the Code of Criminal Procedure, for any person who is a civil party, who benefits from a final decision awarding him/her damages as well as costs under the procedure, and for which compensation by the CIVI or the SARVI is impossible, the AGRASC can have these sums be paid to it as a priority from the debtor's property, the confiscation having been decided definitively.

This text benefits civil parties who are legal entities since implementation of Law No. 2014-1 of January 2, 2014, empowering the Government to simplify and secure business life.

4. Social reuse of confiscated assets

Law n ° 2021-401 of April 8, 2021 introduced a new paragraph to art. 706-160 CPP defining the AGRASC missions and providing the following: "The agency may make available, if necessary, free of charge, real estate, the management of which is entrusted to it in application of 1° of this article for the benefit of "associations with activities that generally fall within the scope of b of 1 of article 200 of the general tax code as well as associations, foundations recognized as being of public utility, and bodies benefiting from the approval provided for in article L. 365-2 of the construction and housing code. The terms of this provision are defined by regulation."



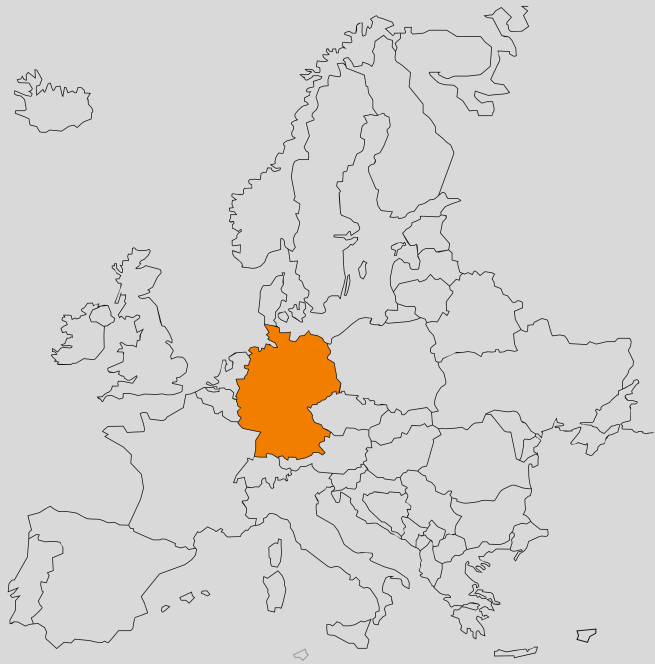
Actions foreseen to facilitate this approach in the management of confiscated assets

No allocation measures have yet been implemented on this basis.

However, on an experimental basis and based on a political agreement between the French and Italian justice ministers, a confiscated apartment was made available by AGRASC to an association supporting prostitutes. This apartment had been confiscated by the French authorities in execution of a confiscation certificate issued by the Italian authorities.







GERMANY

Official country name Germany

Capital Berlin

Government federal parliamentary republic with a head of government, the chancellor, and a head of state, the president, whose primary responsibilities are representative.

EU member country since 1 January 1958



Presence of National agency on management of confiscated assets

NO



Legislative measures assimilating EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets

Germany did not assimilate Art 10.3 of the EU directive 2014/42, hence there are no legislative measures with regard to social and public reuse of confiscated assets. Instead we have the following existing regulations:



In Germany, confiscated property is primarily used to remunerate crime victims.

Otherwise, the confiscated property is auctioned off and the proceeds go to the treasury, thus becoming public funds spent in the public interest.

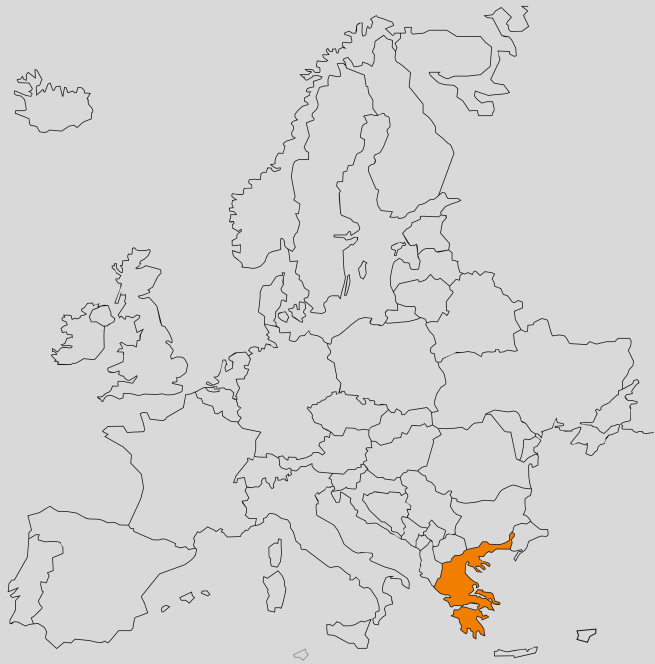
Instead of an auction, it is also possible to use the confiscated property for all purposes of the justice system, e.g. for organisations that assist ex-convicts or convicts on parole. It can also be used for research and training purposes, and likewise by the police.

These possibilities are regulated in §§ 60 ff. of the German law on execution of sentences

(“Strafvollstreckungsordnung”).

Confiscated real estate becomes state property and is managed by a real estate management department of the Bavarian Ministry of Finance. This department can use it for all government purposes.





GREECE

Official country name Greece

Capital Athens

Government parliamentary republic with a head of government, the prime minister, who has the most political power, and the head of state, the president, whose duties are largely ceremonial.

EU member country since 1 January 1981



Presence of National agency on management of confiscated assets

Special Secretariat of Financial and Economic Crime Unit SDOE-ARO (reformed on 13 April 2018, with Joint Ministerial Decision 24256/18 that transformed the previous agency “HARA” into a new agency “SDOE-ARO”)



Legislative measures assimilating EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets

The Hellenic Asset Recovery Office is defined to serve as the responsible entity for the management of frozen and confiscated assets.

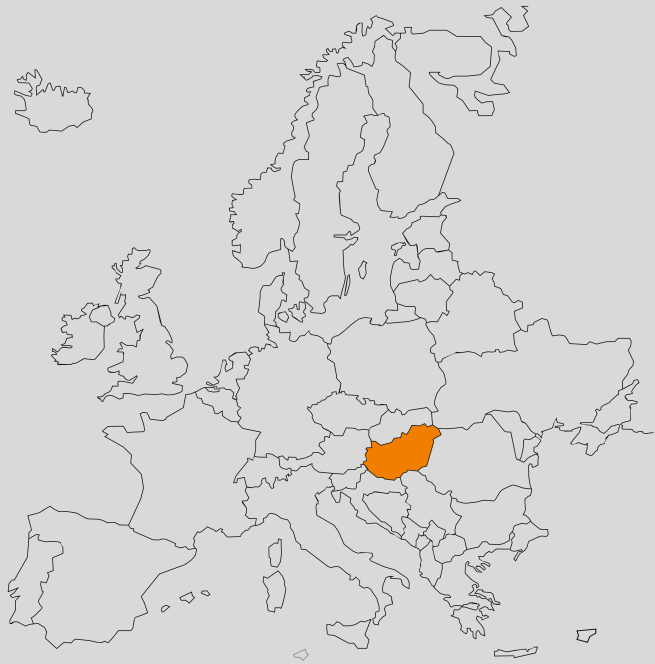
According to E.U. directive 42/2014, after the creation of a new legislation that will define our national Asset Management Institutional framework.

At the moment there is a legislative committee working under our agency Financial and Economic Crime Unit (SDOE) with the participation of representatives of all the competent Greek Authorities to create the new legislation for the central management of frozen, seized and confiscated assets deriving from criminal activities including the possibility of public and social re use of confiscated assets according to E.U. directive 42/2014.



*Therefore at the moment we are not able to have more information since the new Law is still being created.





HUNGARY

Official country name Hungary

Capital Budapest

Government parliamentary republic with a head of government, the prime minister, who exercises executive power and a head of state, the president, whose primary responsibilities are representative.

EU member country since 1 May 2004



Presence of National agency on management of confiscated assets

the National Investigation Office (Nemzeti Nyomozó Iroda) is responsible for management of confiscated assets.



Legislative measures assimilating EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets

The Hungarian investigative bodies must identify, trace and secure criminal assets during their proceedings.



On national level, the HU ARO conducts asset recovery processes, which are parallel financial investigations to the proceedings, related to property-generating crimes, based on requests of the above-mentioned authorities (if certain criteria are met).

The HU ARO also conducts post-conviction asset tracing processes, which can be ordered by the prosecution office. This takes place after the final court decision if the suspect's assets could not be secured (prior to the court decision) or in case of failure to execute property confiscation, which is carried out by the tax authority via “tax enforcement proceedings.”

According to the Hungarian legislation, the application of (non-conviction based) confiscation and (conviction based) confiscation of property are stipulated in sections 72-76 of act C of 2012 on the Criminal Code. (see the relevant sections at the end of the document).

The reuse of confiscated assets is regulated by the Act XIII of 2000 on the Public Reuse of Confiscated Assets.

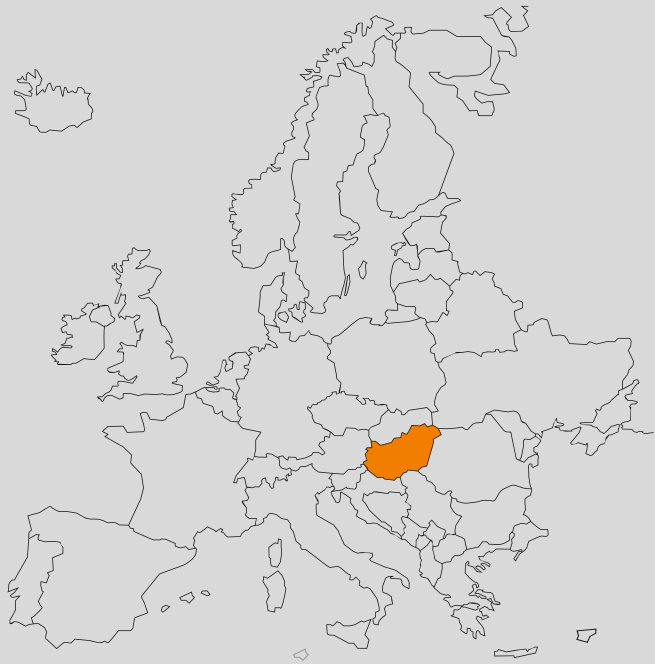
According to Act XIII of 2000, the reusable assets are allocated by a governmental body,

the Charitable Council, and can be distributed to deprived persons or to healthcare and social institutions supported or managed by charitable organizations.

By designation, the (socially) reusable assets can cover: personal needs (e.g., food, clothing, etc.) subsidiary needs (e.g., housing, household devices, toys, etc.)

If the Charitable Council does not initiate the social reuse or the assets are not suitable for reuse (e.g., drugs, excise goods, weapons), the confiscated assets must be sold or destroyed.





ITALY

Official country name Italy

Capital Rome

Government parliamentary republic with a head of government - the prime minister - appointed by the president and a head of state - the president.

EU member country since 1 January 1958



Presence of National agency on management of confiscated assets

Agenzia nazionale per l'amministrazione e la destinazione dei beni sequestrati e confiscati alla criminalità organizzata (ANBSC).

It was established with the decree law 4 February 2010, n. 4, converted into law no. 50. The discipline then merged into Legislative Decree 6 September 2011 n. 159 ("Code of anti-mafia laws").



Legislative measures assimilating EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets

Law n.109/96 on the possibility of social and public reuse of confiscated assets from criminal organisations.

Actions foreseen to facilitate this approach in the management of confiscated assets

There have been 36,616 real estate units (land parcels) confiscated from 1982 to today. About 17,300 were allocated and delivered by the National Agency for institutional and social purposes.



Concrete implementation of legislative measures on social and public reuse of confiscated

According to the data, 871 subjects have been registered as involved in the management of real estate confiscated from organized crime, obtained in concession by Local Authorities, in 17 out of 20 regions.

The data collected indicates that more than half of the social realities are made up of associations of different types (468) while the social cooperatives number 189 (data that includes the workers' cooperatives of the confiscated companies). Among the other third sector managers, there are 11 amateur sports associations, 23 third sector subjects who manage welfare services in agreement with public bodies 36 temporary associations of purpose or networks of associations, 60 realities of the religious world (diocese, parishes and Caritas), 26 foundations, 14 scouting groups and finally 6 schools of different orders and grades. The census does not include real estate reused for institutional purposes by state and local administrations.





LATVIA

Official country name Latvia

Capital Riga

Government parliamentary republic with a head of government, the prime minister, who chooses the council of ministers and a head of state, the president, who has a largely ceremonial role and nominates the prime minister.

EU member country since 1 May 2004



Presence of National agency on management of confiscated assets

No, ARO is designated under the Economic Police Department of the Central Criminal Police Department of the State Police.



Legislative measures assimilating EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets

Section 45 of the Law on Execution of Confiscation of Criminally Acquired Property establishes that half of the confiscated proceeds from crime transferred to the State Budget but not more than two million euro in a financial year must be transferred to a separate budget programme of the Ministry of Justice to implement the required measures for combating financial and economic crimes and providing support to crime victims.



The procedures for funding, distribution and use of the funds of the Ministry of Justice budget program is determined by Cabinet Regulation No. 769, "Procedures for the Use of the Funds of the Basic Budget Programme of the Ministry of Justice Fund of the Proceeds of Crime from Confiscation" issued on December 19, 2017.

According to Cabinet Regulation No. 769, "Procedures for the Use of the Funds of the Basic Budget Programme of the Ministry of Justice Fund of the Proceeds of Crime from Confiscation," by 20 April, 20 August of the financial year and by the last day of the financial year, the Treasury must transfer 50 per cent of the amount of the confiscated proceeds of crime that have been paid into the State budget in the relevant period, but not exceeding two million euros. If the funds available in the fund programme account exceed 300 000 euros, the Ministry of Justice must send an invitation to the Ministry of the Interior, the Office of the Prosecutor, the Corruption Prevention and Combating Bureau, the Ministry of Finance, the Ministry of Education and Science, the Ministry of Welfare and the Ministry of Health to submit an application to use the funds for measures for combating financial and economic crimes and providing support to crime victims within the time period established.

The Ministry of Justice must compile the applications of the applicants for the funds and submit them for examination and decision by the Crime Prevention Council. In addition, the Ministry of Justice must prepare a report on the funds used and results achieved in the previous period and append it to the compiled applications. If the applications submitted by the applicants for the funds are partly consistent with the objective of the fund programme or their total amount exceeds the funds available in the fund programme account, the Ministry of Justice will reach an agreement with the applicants for the funds on the measures to be supported and submitted for examination to the Crime Prevention Council.

Within two weeks after the Crime Prevention Council has taken the decision, the Ministry of Justice will inform the applicants for the funds and the Ministry of Finance of the decision to agree on planned transfers for the money transmission to the beneficiaries.

It is established that beneficiaries must use the funds only for the objectives specified in the Crime Prevention Council decision. Within a month after the end of implementation of the measure, the applicant for the funds must submit to the Ministry of Justice a report on the use of the funds. Before submission of the report, the applicant for the funds must evaluate the conformity of the use of the funds with the intended objective and approve the expenditures made by the beneficiary.





PORTUGAL

Official country name Portugal

Capital Lisbon

Government semi-presidential republic with a head of government, the prime minister, and a head of state, the president, who has power to appoint the prime minister and other government members.

EU member country since 1 January 1986



Presence of National agency on management of confiscated assets

GAB (*Gabinete de Administração Bens*), department of IGFEJ (*O Instituto de Gestão Financeira e Equipamentos da Justiça gere os recursos financeiros, patrimoniais e tecnológicos do Ministério da Justiça*).



Legislative measures assimilating EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets

Law 30/2017 of 30 May introduced some changes in the Portuguese law, making clear that, during the management process, the AMO can also determine the allocation of the frozen assets to a public or socially useful purpose connected with the administration of justice, as long as the assets to be affected are of interest to the beneficiary entity and are adequate for the exercise and pursuit of its legal or statutory powers.

This possibility was not new; even before the implementation of the AMO, it was already possible to allocate the frozen assets to useful purposes. However, it is more related with operational and public interest than with social reuse of the frozen assets.

Both possibilities can happen only with frozen assets. For the confiscated ones, we have no such possibility.





ROMANIA

Official country name Romania

Capital Bucharest

Government semi-presidential republic with a head of government, the prime minister, and a head of state, the president. Executive functions are held by both government and the president.

EU member country since 1 January 2007



Presence of National agency on management of confiscated assets

National Agency for the Management of Seized Assets (ANABI).

ANABI is the Romanian competent authority for the administration of confiscated property. ANABI is also competent to evaluate requests and propose ANAF the social or institutional reuse of confiscated properties.

National Fiscal Administration Agency (ANAF) is the Romanian authority competent for the disposal of confiscated property.



Legislative measures assimilating EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets

The Criminal Code, the Criminal Procedure Code, Law no. 318/2015 for the establishment, organization and functioning of the National Agency for the Management of Seized Assets (ANABI) and for the modification and completion of some regulatory acts, and Government Ordinance no. 14/2007 for the regulation of the manner and conditions of disposal of the goods entered, according to the law, in the private property of the state.



Actions foreseen to facilitate this approach in management of confiscated assets.

The Centre for Advocacy and Human Rights (CADO), on behalf of 64 member NGOs of the Network of NGOs Against Trafficking in Human Beings (RoITP) and the Federation of Non-Governmental Organizations for Social Services (FONSS), pursuant to art. 7 of Law no. 52/2003 on decision-making transparency in public administration. We send you the following opinions with the value of a recommendation, regarding the proposal on the National Strategy on the Recovery of Receivables from Crimes for the Period 2021-2025.

The signatory NGOs appreciate the quality of the public policy proposal and express their support for the envisaged measures and the proposed solutions, especially regarding the establishment and functioning of the National Crime Prevention Fund.





SLOVENIA

Official country name Slovenia

Capital Ljubljana

Government semi-presidential republic with a head of government, the prime minister, and a head of state, the president. Executive functions are held by both government and the president.

EU member country since 1 January 2007



Presence of National agency on management of confiscated assets

No



Legislative measures assimilating EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets

The key legal acts regarding storage, management and sale of confiscated assets/property (depending on the type of property) are: Criminal Procedure Act (CPA); Forfeiture of Assets of Illegal Origin Act (ZOPNI); Decree on the records of forfeited assets of illicit origin; Decree on the management procedure applied to forfeited items, assets and securities, and Decree on the procedures of safekeeping, management and sale of assets of illicit origin.



Relevant provisions in this regard are:

Article 13 of the Decree on the management procedure applied to forfeited items, assets and securities:

“In accordance with the public finance regulations, the responsible committee may donate items that fall under special regulations and are not in free circulation, cannot be sold or their sale would entail disproportionate costs to national authorities and organisations, institutions, foundations or philanthropic organisations if they prove that they need these items to carry out their activities.

Items of historical, archaeological, ethnographic, cultural, artistic or scientific value may be donated by the responsible committee according to the provisions of the preceding paragraph only after prior consultation with the ministry responsible for finance and the ministry responsible for culture.”

Paragraph 4 of Article 3 of the Decree on the procedures for safekeeping, management, and sale of assets of illicit origin: “Donations for public use instead of the sale of assets or items must be made based on a court decision when they are not in free circulation due to a specific regulation or when they cannot be sold or could only be sold by incurring disproportionate costs. In such an event, they must be given away free of cost to state authorities and organisations, public institutes and institutions or humanitarian agencies that can demonstrate the need for such assets for the implementation of their activities.”



GME's ROADMAP

the challenges of the coming months



October 2021

concluding event of the project with the 4 national teams to evaluate the results and to launch a new association action

12 October 2021

“Good(s) Monitoring, Europe!: the monitoring of confiscated assets for a Europe closer to citizens”

workshop at The European week of Regions and Cities to present the final result of the project

February 2021 to
May 2021

Identification of the **four countries involved** and construction of **national teams**

July 2021

summer school in Palermo, Sicily; the objective will be the construction and testing of a tool on civic monitoring, advocacy and public action for the social re-use of assets confiscated from organised crime

CONCLUSIONS





APPENDIX

Questionnaire

The public and social reuse of confiscated assets in Europe: questions for ARO-AMO representatives

- 1.** Which are the legislative measures assimilating the EU Directive 2014/42 (art. 10.3) on national-level social and public reuse of confiscated assets?
- 2.** Have these legislative measures changed your approach to management of confiscated assets? Which actions have you foreseen to facilitate this new approach in the management of confiscated assets?
- 3.** Have these legislative measures on social and public reuse of confiscated assets been concretely implemented in your country? On which types of assets? Which services have been developed?
- 4.** In your country, is it possible to involve CSOs and social cooperatives in the implementation and management of confiscated assets? Which other types of organisation can manage an asset for social reuse in your country?

Optional questions

- 5.** Italy has developed a Strategic National Plan that included the opportunity to enhance social and public re-use of confiscated assets at national level through the EU Cohesion Policy funds. Do you know that EU Cohesion Policy funds could be used for this purpose in your country as well?
- 6.** During the last EU Cohesion Policy Fund Programme period (2014-2020) and in the last new one (2021-2027), has your country invested a portion of these funds for enhancing social and public re-use of confiscated assets at national level? If not, do you think this opportunity could be interesting in the future to prevent and support the fight against organised crime?
- 7.** In your country, is there a National Plan for implementation of Cohesion Policies funds? Does this Plan include actions to strengthen social inclusion and/or citizen engagement?





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