

Fight against organized crime: tracing, seizure, confiscation of proceeds from crime

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OBJECTIVE: joint action to increase cooperation between the Member States with regard to confiscating the proceeds of crime in the context of the European Action Plan to combat organized crime (see COS0548). **SUBSTANCE:** With a view to improving coordination between the Member States' law enforcement authorities in the context of combating organized crime, this proposed joint action aims to increase cooperation in identifying, tracing, freezing or seizing and confiscating the means and proceeds of crime. Operating on the principle that criminal activities can be disrupted if the assets of criminal organizations are confiscated, the project sets up a system for exchanging information through establishing national contact points from which the Member States' competent authorities can obtain advice and assistance with regard to confiscating the proceeds of crime. These contact points are indicated in the relevant guides which are to be distributed to Europol and the European Judicial Network, which will evaluate them and make any useful proposals to improve cooperation in this area. As well as improving information, the proposal establishes the principle that the Member States will give the same priority to requests from other Member States concerning the confiscation of assets as they would in domestic proceedings. Contacts between investigators, examining magistrates and prosecutors are also encouraged if this does not contravene national laws. There are also provisions to ensure that requests for mutual judicial assistance are only made when necessary. If urgent action is justified, requests for mutual assistance will be made to the other Member States, which must consider them and give an appropriate response. In most cases, the Member States will prefer to use the existing cooperation arrangements. There are also provisions to minimize the risk that the assets of criminal organizations will dissipated.