Judicial cooperation: orders freezing assets or evidence. Framework decision. Initiative France, Sweden and Belgium

2001/0803(CNS) - 13/03/2002 - Amended legislative proposal for reconsultation

On the basis of a compromise from the Spanish Presidency of the Union, the Council has taken note of a certain number of parliamentary reservations that have come to light on the contents of the framework decision on the execution in the European Union of orders freezing property or evidence. This text has been established for the purpose of the reconsultation of the European Parliament on the draft Framework Decision. To recall, the purpose of this Framework Decision is to establish the rules under which a Member State shall recognise and execute in its territory a freezing order issued by a judicial authority of another Member State. It shall not have the effect of amending the obligation to respect the fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on European Union. This framework decision applies to freezing orders issued for the purpose of securing evidence, or subsequent confiscation of property. With regard to the scope of the framework decision, the Presidency's compromise has been aligned on the solutions reached in the context of the Framework Decision relating to the European arrest warrant (in particular the list of 32 offences, as they are defined by the law of the issuing Member State, and if they are punishable in the issuing Member State by a custodial sentence of a maximum of at least 3 years, shall not be subject to verification of the double criminality. It should also be added that the Council may decide to add other categories of offences to the list of 32 offences at any time, acting unanimously after consultation of the European Parliament under the conditions laid down in Article 39(1) of the TEU. The freezing orders must, in addition, be recognised and implemented in respect of the principles of legality, subsidiarity and proportionality. The Parliament shall be reconsulted on the new contents of the draft framework decision as revised by the Council.