

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

2001/0803(CNS) - 14/05/2002

The committee adopted the report by Luis MARINHO (PES, P) broadly approving the revised initiative for a framework decision, subject to a number of amendments tabled under the consultation procedure (reconsultation). It was pleased that the new draft decision had incorporated many of the amendments tabled by Parliament in 2001 and that its scope had been enlarged to cover the same 32 types of offences listed in the European arrest warrant. Nevertheless, the committee still regarded the draft framework decision as timid and inadequate in scope, and it therefore adopted an amendment stipulating that freezing orders may be issued in the case of offences without requiring verification of double criminality, if those offences carry a maximum sentence of at least two years instead of three as stated in the proposal. It argued that otherwise many proceeds derived from offences would remain beyond the reach of the law. Other amendments were intended to ensure that all decisions relating to the freezing measures provided for in the initiative are taken exclusively by the judicial authorities of either the issuing State or the executing State and in the framework of criminal proceedings. Finally, the committee believed that the framework decision should be brought into effect as a matter of urgency, namely, by 31 December 2002.