

## RINSE

### Research and INFORMATION Sharing on freezing and confiscation orders in European Union

#### RINSE Talks about Confiscating Assets in the EU.

#### The Podcast that Follows Dirty Money

#### EP. 7 - Marseille: Two Magistrates Speak

- Speaker 1 : Presenter, François Fameli
- Speaker 2 : Moderator & President of Crim’HALT, Fabrice Rizzoli
- Speaker 3 : Laure Humeau is Vice-president of the 6th Correctional Chamber of the Marseille Judicial Court
- Speaker 4 : Pascal Gant is the first Deputy Vice-president within this same Specialized Interregional Jurisdiction (JIRS) and has also been President of a Chamber Judging Organized Crime cases

**INTRO.** “Confisqué” (translation: confiscated). Conversation on the seizure and reuse of ill-gotten assets in Europe. Hello and welcome to “Confisqué”, the podcast of the European judicial research project on ill-gotten assets and money laundering: RINSE. In this series, we will give the floor to professionals in the fight against organized crime in Europe. How to fight effectively and sustainably against mafias and organized crime? How to reach criminals in the wallet by drying their ability to function? How to sustainably reduce the violence they generate? We will try to answer these questions through the harmonisation of police and judicial practices in Europe, because crime has no borders. In this second episode, we’re talking about money. How much does the French state manage to confiscate from criminal groups each year, and what does this really represent? Since 2010, the European Union has been encouraging Member States to confiscate the assets of traffickers, a practice that has been in place in Italy since the 1980s. This led to the creation of AGRASC in France, the Agency for the Management and Recovery of Seized and Confiscated Assets. In 10 years, the agency has transferred nearly one billion euros to the state budget, and the rate of seizures and confiscations is increasing exponentially.

To clarify, we refer to a seizure when the final judgment has not yet been pronounced, and confiscation when the asset becomes the permanent property of the state. We have thus gone from 10 property confiscations in 2013 to 200 in 2022, and from an average of 500 million euros in provisional seizures annually before 2020 to nearly one and a half billion in 2023. Yes, you heard correctly—three times

more seizures in less than five years. This might give you an idea of the financial power of criminal organizations in France. Since 2021, France also has a law allowing for the social use of confiscated assets. Inspired by the Italian anti-mafia model, this law allows for the repurposing of criminals' real estate assets for social causes. In Marseille, the villa of a cocaine trafficker has just been made available to two associations that help victims of domestic violence. Similar examples are gradually being set up in Corsica and Seine-Saint-Denis. While the Italians have nearly 1,000 social entrepreneurship projects on confiscated assets, France has only about ten. There is a long way to go to return to civil society what criminals have taken from it and to make this restorative justice visible.

To understand how confiscation took hold in France following European directives, we interviewed two Marseille magistrates. Laure Humeau is vice-president of the 6th Correctional Chamber of the Marseille Judicial Court and works in a specialized interregional jurisdiction dealing with complex offenses in the fields of economics, health, and environment. Pascal Gant is the first deputy vice-president within this same specialized interregional jurisdiction (JIRS) and has also been president of a chamber judging organized crime cases. He was responsible for the first social assignment of a confiscated asset in France. Our specialist, Fabrice Rizzoli, met with them for us.

#### **[00:03:29.780] - SPEAKER 2**

A very direct question. This research project has shown us that there is a practice of confiscation in France and some good practices as well. It is important, in a few words, to explain to those who might listen to your comments: How does confiscation work in France? And first, what works?

#### **[00:03:53.170] - SPEAKER 3**

When we talk about confiscation, it refers to the final decision by the court to transfer ownership of property, previously owned by convicted individuals or property at their disposal, to the state. I mention final decisions because, prior to this, these assets have often been subject to a seizure, which is a provisional decision made during the investigation, regardless of its form, to keep these assets under judicial control to prevent their disappearance. Confiscation can apply to various assets, notably those that are the instrument, object, or proceeds of the offense. This requires defining either the financing of the asset or at least the profits derived from the offense. For confiscation to be effective, it is crucial to first identify the proceeds of the crime, the financing methods of the asset, or the assets of the convicted individuals. Confiscation cannot take place if the investigation has not previously identified all these elements.

#### **[00:05:15.500] - SPEAKER 2**

Just to clarify, in France, confiscation is criminal. It is tied to the fact that the owner must be definitively convicted in a criminal court before their property can be confiscated.

#### **[00:05:28.110] - SPEAKER 3**

The owner or the person who has free disposal of it, meaning the unofficial owner or the economic owner of the property who might have hidden behind a front owner.

**[00:05:43.870] - SPEAKER 2**

And so, there is a provisional seizure and a definitive confiscation. And you justify seizing assets, even though the person has not yet been definitively convicted, because the assets could disappear?

**[00:05:57.850] - SPEAKER 3**

Seizure takes place when, at the investigation stage, there are indications that either the asset in question was used to commit the crime or is derived from it, or there are already indications at the investigation stage that the crimes in question generated profits that could have been used to increase the assets of the persons suspected at this stage. Therefore, at the investigation stage, the seizure is based on these indications, and the judgment court will either confirm or not confirm them.

**[00:06:27.850] - SPEAKER 2**

So, I'll try another approach. If the car was used to traffic drugs, it's the instrument of the crime, so we seize it. On the other hand, if the person bought a car with drug money, it's the product of the crime. Very well. And are there different types of confiscation? Are some more effective than others?

**[00:06:46.850] - SPEAKER 3**

It is totally correct.

**[00:06:48.850] - SPEAKER 2**

And are there different types of confiscation? Are some more effective than others?

**[00:06:51.500] - SPEAKER 3**

Confiscation, in practice, typically involves vehicles. Vehicles need to be identified during the investigation, and seizure serves the direct purpose of preventing their disappearance. Seizure can also involve cash, seized notably during searches or upon the arrest of individuals, as well as bank accounts, usually just before their arrest to prevent the money from disappearing once they become aware of the investigation concerning them. It can also encompass real estate properties, which is one of the modalities of confiscation that has been increasingly developing recently.

**[00:07:34.500] - SPEAKER 2**

Excuse me, I've heard about a more elaborate form of confiscation. It's possible to confiscate someone's assets. I've heard it termed "confiscation by equivalence." However, I believe magistrates prefer to call it "confiscation in value." Could you explain briefly how this works?

**[00:07:49.820] - SPEAKER 3**

So, there are several aspects to this question. First, there's the general confiscation of assets for serious offenses, certain severe offenses. The law allows for the possibility of confiscating someone's assets without needing to demonstrate a direct link between those assets and the committed offense. This applies to drug trafficking, human trafficking, and similar serious offenses. However, it's not widely

used because typically for common law offenses or more routine crimes, there's usually a clear connection to the proceeds of the offense and their value. Then, there's confiscation in value, which is more interesting. Essentially, this means that if an offense or crime has generated a profit, say 500,000 euros, and I'm not sure where those 500,000 euros are, whether they've disappeared, been sent abroad, or are in cash, but I have luxury cars or real estate worth 500,000 euros, I can seize them as proceeds of the offense. It's not necessarily these specific assets that were directly funded by the offense, but rather any assets up to the total value of the profit derived.

**[00:09:15.710] - SPEAKER 2**

In the context of research, it was learned that confiscation in value represents approximately 50% nationally today. Is this percentage similar here in Marseille, or is it different?

**[00:09:33.560] - SPEAKER 3**

So, in Marseille, generally, I don't know for sure, but I'm not surprised by this figure of 50%. I would even tend to say it could have been much higher. In our litigation, personally, I never focus directly on tracing. It's very rare that the investigation allows for directly tracing the proceeds of the fraud used to purchase the villa. However, the proceeds of the fraud, which amounted to 250,000 euros, and the simultaneous acquisition of an apartment, are much easier to substantiate. We don't have to prove this traceability. So, I'm not surprised that this percentage is at least 50%; I would have said more.

**[00:10:11.990] - SPEAKER 2**

Okay. We have a specialist in front of us. I've heard about extended confiscation. I tried to understand. There's a slight difference. It's not very commonly used, but there's a slight difference from confiscation in value, or is it extended to people who are linked with... right?

**[00:10:32.360] - SPEAKER 3**

I'm not sure about the meaning of this term "extended confiscation". I would tend to think that it relates more to the confiscation of assets that exceed, without connection to the proceeds of the offense, rather than a general confiscation of the entire estate, or confiscation, in my opinion, much less used, for offenses punishable by at least 5 years imprisonment. The law allows for the confiscation of assets for which the owner has not been able to demonstrate the legality of financing. I have never practiced it, but it exists and it's more under the term "extended confiscation" that I would have heard of such scenarios.

**[00:11:16.050] - SPEAKER 2**

Does it have any relation to the non-justification of resources, or is it something different? If you'd like to weigh in, Mr. Gant, please go ahead.

**[00:11:25.780] - SPEAKER 4**

This is not a specific offense like non-justification of resources, but rather a mechanism that indeed resembles the assessment of assets and the justification for acquiring them, falling under the realm of

confiscation law. Indeed, as Laure mentioned, I haven't seen it in practice either, and I believe it touches on one of the difficulties we may encounter, which is the upfront identification of delinquents' assets. Because for this type of approach, it requires in-depth asset investigations that effectively trace the history and origin of the assets. And I think it touches on one of the challenges that we will certainly address in the interview: the current limitations in France regarding the practice of confiscations. We have about a third of seizures that are converted into confiscation. So, there is room for improvement, which primarily concerns, I would say, the magistrates. But we also have, and this is somewhat the result of what I have seen, especially in my previous experience in the JIRS chamber of organized crime in Marseille, where investigations are still very focused on narcotics, goods, but not so much on the profits from trafficking.

**[00:12:52.110] - SPEAKER 2**

We still have the reflex to want to seize drugs, which is perfectly normal. Cash, as you mentioned earlier, found during searches, of course. But what's missing upstream is a broader asset investigation.

**[00:13:03.960] - SPEAKER 4**

Broader and more focused indeed on assets, profits, and financial flows. This is not the case in the chamber where we are both sitting now, as it's a bit of the DNA of the investigation to reconstruct financial flows, especially money laundering circuits. Therefore, the reflex of investigators in our specialized chamber is more geared towards offering us confiscation opportunities. It's much less the case in a chamber, I would say, of more traditional criminal law related to narcotics, where I have been somewhat frustrated during these past three years in that chamber due to the limited opportunities provided at the end of the investigation to apprehend assets.

**[00:13:55.200] - SPEAKER 2**

Do you have examples of what works on a daily basis in your courtroom, especially regarding economic and financial litigation? What kinds of assets are you able to seize that would be of interest to our listeners?

**[00:14:10.560] - SPEAKER 3**

Interesting seizures notably concern real estate properties, and in our Chamber, it is quite common to seize assets held within "SCI" (Société Civile Immobilière, a type of real estate holding company). Investigations sufficiently demonstrate that these "SCI," in reality, are controlled by a specific individual who is our defendant, so we can link the value of the SCI to the assets of the defendant, the person whom we may eventually convict. Therefore, this is not an obstacle to seizing all real estate assets.

**[00:14:46.010] - SPEAKER 2**

"SCI" stands for Société Civile Immobilière, which translates to Real Estate Civil Society in English. Essentially, it's a structure that would, in theory, allow the true owner to remain somewhat hidden. However, if magistrates conduct an investigation, they will obviously uncover the real owner.

**[00:15:00.060] - SPEAKER 3**

Whether hiding or not. In our chamber, we are not even so much about concealment, but about estate management, very simply. Family transmission, using an SCI (Société Civile Immobilière), is not at all a mode of operation oriented towards criminal behavior. It is a mode of operation that anyone can use to hold property within the family, for instance.

**[00:15:23.300] - SPEAKER 4**

It's a fairly transparent company, actually, in terms of its shareholders and the assets behind it.

**[00:15:31.530] - SPEAKER 2**

Okay. Specifically, you are more focused on the health-environment sector. What does that mean? Does it mean that within a part of the medical world, there is fraud, there is tax evasion? Are there assets associated with the offense? Just clarifying.

**[00:15:53.000] - SPEAKER 3**

The health offenses we deal with are really offenses, medical errors. We're more in the realm of unintentional acts. Where we seize a lot in real estate, it's more related to substandard housing. That's a big area in our department. And otherwise, it's classic fraud.

**[00:16:05.020] - SPEAKER 4**

And for substandard housing, I specify that the penalty of asset confiscation is mandatory.

**[00:16:10.440] - SPEAKER 2**

It's a reform, I believe, from 2019.

**[00:16:12.560] - SPEAKER 4**

I don't have the exact date in mind, but this is one of the rare occasions where confiscation is made mandatory by law.

**[00:16:20.500] - SPEAKER 2**

And if I understand correctly the philosophical principle behind this mandatory confiscation of the slumlord, it's that ultimately, the property embodies the offense itself. It serves as the instrument since it's run-down, with victims suffering inside. Therefore, it seems imperative to confiscate it as if it were an instrument of the crime, akin to a weapon.

**[00:16:42.440] - SPEAKER 3**

In philosophy, it could be that, with the difficulty that, in reality, the assets are often very degraded by the time they are confiscated. Ultimately, it's not necessarily a gift to the state to become the owner again of this kind of property that requires extensive renovations.

**[00:16:57.330] - SPEAKER 2**

Exactly.

**[00:16:58.390] - SPEAKER 4**

But it would indeed be shocking to leave this asset in the possession of the convicted individual.

**[00:17:04.030] - SPEAKER 2**

That's right. What would you potentially like to improve today, either legislatively or in practice? Perhaps there's a need for more training, or maybe the judicial police lack resources. What reforms would you wish for?

**[00:17:23.730] - SPEAKER 4**

Well, in my opinion, the current system is satisfactory. We have fairly effective tools. As Laure described, there's a range of confiscation options that are quite diverse and well-suited to the scenarios we encounter. What I can mention aligns with the critique about the sometimes absent or insufficient identification of assets prior to trial. What I can mention is what I experienced in Italy as a liaison magistrate with systems that do not exist in France and whose effectiveness I witnessed in Italy. One of the main systems is what's called "doppio binario" in Italy, meaning the double track. This means that when investigations are conducted in Italy, two parallel files are opened. One is a criminal file for proving the committed offenses, hence a criminal procedure. The other file is specifically for asset investigations and is intended not for a criminal court but for the so-called "misure di prevenzione" chambers in the courts. It's challenging to translate this term because it's a concept not widely recognized in many countries and doesn't exist in France. Perhaps we could define this term as judicial confiscations without criminal conviction. I think that's the closest explanation to reality, meaning that in Italy, judges in a judicial tribunal in a specialized chamber can, following a judicial debate with the public prosecutor, defense attorney, and all traditional legal safeguards, confiscate — seize an asset, especially real estate — from someone who has not been criminally convicted. Generally, this person is considered 80% suspicious, as an Italian colleague put it, 80% suspected of being associated with a mafia clan, with assets they cannot justify based on their declared resources. Those are the two criteria for implementing "misure di prevenzione". It's also interesting to note the history of these measures. These Italian measures have existed since the early 20th century, during a rather fascist era, when they weren't applied to assets, but to people. It was a law designed, hence the term "prevention", to effectively exile troublemakers, vagabonds, beggars, etc. In reality, it was in a 1965 law, one of the first anti-mafia laws, following numerous acquittals of mafia bosses, that there was significant public, judicial, and political frustration leading to the use of the "misure di prevenzione" measures, without needing 100% certainty of guilt for mafia involvement. Later, this system initially applied to individuals, transitioned to the realm of assets, seizing mafia assets that couldn't be definitively linked to criminal guilt in the traditional criminal sense.

**[00:21:12.050] - SPEAKER 2**

It's very interesting to talk about the evolution of law. Moreover, you are at the heart of the research because this research is part of a European effort to look at what can be done in terms of harmonising

confiscation laws across several countries. So, you're discussing a measure that focuses first on individuals and then on assets. I believe the automaticity of mandatory confiscation of mafia assets began around 1982. In Italy, it's associated with the Pio La Torre law. But what are the concrete consequences of this today? Does it work?

**[00:21:40.350] - SPEAKER 4**

In practice, it works rather well in Italy, where two-thirds of confiscations are ordered under these "misure di prevenzione". Consequently, criminal confiscations account for only one-third of Italian confiscations overall. The numbers are quite different from those in France, even though there has been considerable progress since 2010 with the creation of AGRASC. In Italy, there are approximately 30,000 real estate seizures annually, whereas in France, I believe it's around one thousand. So, we're not at all on the same scale.

**[00:22:16.300] - SPEAKER 2**

Yes, and so, it results in a huge number of buildings, properties that are confiscated in Italy. And especially, as you mentioned earlier, in France, 30% of all seizures become definitive confiscations, I believe it's 32.1%. In contrast, in Italy, it's over 60% of definitive confiscations. Therefore, there is a correlation that certainly makes the difference, it's this famous confiscation, as you say, judicial without criminal conviction. That's interesting, those are terms to master.

**[00:22:51.940] - SPEAKER 4**

Yes, that's right, "judicial without criminal conviction." There is an Italian issue that does not exist in France, which is that of criminal prescription, since in Italy, many cases fall due to the expiry of the statute of limitations, as there is an uninterrupted period until the final decision of conviction. However, the "misure di prevenzione" escapes the mechanism of criminal prescription, and so it's an important issue. If a criminal conviction is not obtained by the public prosecutor, it is for them to obtain at least the confiscation of assets, failing...

**[00:23:28.520] - SPEAKER 2**

The immanent forces of law. That is to say, when there's a problem, we find a way to at least address the impunity that can be provided by the statute of limitations. And there, at least, we hit them in the wallet.

**[00:23:38.770] - SPEAKER 4**

Maybe I'll just add to that. I haven't been comprehensive enough regarding these "misure di prevenzione" and their validation at the European level. In Italy, obviously, the Court of Cassation has long validated this use. And the European Court of Human Rights in Strasbourg has also validated this mechanism, considering it a matter of private property rather than a criminal record. What's interesting in France is that this mechanism doesn't exist. However, within the framework of confiscations ordered in Italy based on these "misure di prevenzione" for assets located in France. So,



what's interesting to note is that French courts have enforced and recognized Italian confiscation ordered under the "misura di prevenzione" without a criminal conviction.

**[00:24:48.330] - SPEAKER 2**

We are at the heart of our research project, because the research project involves recognizing confiscations that are not the same, recognizing a confiscation that comes from another country. Except that here, for example, it would be for an Italian mafioso who is not undergoing a criminal trial in Italy, but who has bought a house in France. The issue is that in this research project, the European directives of 2014, 2018, and those forthcoming, aim to harmonise. That means it would no longer be mutual recognition, but clearly, we would like each country to have a somewhat equivalent confiscation. Can I simplify this based on what you said earlier in this recording? If this existed, it would mean that in cases like the drug trafficking and sometimes murder cases where there is little confiscation in France, do you think it could help make progress on these cases? We would move towards asset investigation from the beginning of the inquiry. Is that what you mean by this Italian system you mentioned?

**[00:25:56.900] - SPEAKER 4**

I think that the Italian system, apart from the legal mechanism itself, will certainly lead to a change in practices, particularly in investigative practices. If two files are systematically opened, one criminal file and one related to assets, it will inevitably force field investigators to broaden their investigative methods to include asset identification.

**[00:26:25.860] - SPEAKER 2**

So, thank you very much. One of the successes of confiscation in Italy is that they ended up with a huge number of properties, and due to different circumstances, not all countries are the same. Since 1982, the Italian legislature decided that real estate properties cannot be sold at auction. This applies only to buildings, not vehicles; cars and yachts are sold off because, for example, there's concern that the mafia might buy them, etc. Italy thus found itself with a vast number of properties that they didn't know what to do with. There was pressure from civil society, and in 1996, thanks to a petition with a million signatures, a law was passed allowing confiscated assets to be redistributed to citizens. I'll keep this brief. These assets become part of the heritage of local authorities that seek out associations and cooperatives to make them available. Similarly, this is a recommendation within a 2014 directive stating, "States could undertake social projects within confiscated assets." It's a recommendation within a directive; the directive itself was mandatory, of course. Before the 2021 law in France, which now provides for confiscated assets to be made available to associations, as a liaison magistrate, you worked to have a confiscated asset in France distributed socially. How did this come about? Because it's really an exciting episode that I saw covered in the media "Le Monde."

**[00:28:03.360] - SPEAKER 4**

Yes, indeed, when I was serving in Italy, I was very impressed by the system of socially reusing assets confiscated from the mafia, which effectively demonstrates that the state's action goes beyond just the

Ministry of Economy's budget, but shows the concrete actions of justice and police, embodied through these properties... for example, I remember vividly, to give you a very concrete example, my assistant used to take her son to the library in their town every Saturday morning. It turned out that this library was actually the seaside villa of the treasurer of the "Banda della Magliana," a criminal group that operated in Rome in the 1980s and 1990s. It struck me to see this 5-year-old boy borrowing books every Saturday with a plaque above the library indicating it had been confiscated from the mafia at a certain time. So from there, we made many efforts to introduce this system to French authorities. There were visits to Italy by the Minister of Justice at the time, the director of AGRASC, and also the director of DIAV, the interministerial delegation for victim assistance at that time. And from there, we had an incredible opportunity. The prosecutor of Reggio Calabria, an Italian city, called me to inform me that in the context of a mafia case that had just received a final conviction in Italy, in Reggio Calabria, precisely under a "misura di prevenzione" as mentioned earlier. This mafioso had a very substantial estate, including artworks by masters like Picasso, and a significant number of properties in Italy, as well as a pied-à-terre in a prestigious Paris neighborhood. So the prosecutor of Reggio called me and said: "Here's this property. Normally, under international cooperation, we would sell the property and each country would take half of the sales price. But we would like to leave it to the French state on one condition: it must be socially allocated to a French entity to promote, precisely, to advertise what exists in Italy under this law, as you mentioned, stemming from a 1996 referendum on the social use of assets." There was a lot of work done with AGRASC (the Agency for the Management and Recovery of Seized and Confiscated Assets) and with the two overseeing bodies, which is a major difference with Italy; the overseeing bodies are Bercy and the Ministry of Justice, while in Italy, it's the Ministry of the Interior. This changes the approach considerably. So gradually, we reached an agreement thanks in particular to DIAV, the delegate for victims, who at that time was Elisabeth Pelsez, who, for a bit of trivia, is the magistrate who created AGRASC.

**[00:31:21.480] - SPEAKER 2**

The first magistrate to the size of the AGRASC.

**[00:31:22.940] - SPEAKER 4**

She had a kind of historical double hat. She involved the Amicale du Nid, which is a very old association that helps women victims of violence and victims of prostitution networks. After many discussions, there was a bilateral agreement between the Italian State and the French State, validated by Emmanuel Macron at the time President of the Republic, so that this property would be given by the Italian State to the French State and that AGRASC would make this property available for a very modest rent to this association that needed emergency accommodation for women victims.

**[00:32:14.880] - SPEAKER 2**

Well done because I had the opportunity to visit this property as part of another European project. It must be said, we are funded by Europe in the RINSE research project and the other research project on confiscated assets, COESO. We visited this small property on Rue Saint-Honoré, a small property but in a very nice neighborhood, just steps away from the Ministry of Justice. There, a woman who

was a victim of 20 years of forced prostitution, with a very strong profile, is rebuilding her life while waiting to move on to another place, she won't stay there for the rest of her life. And it's a transitional place like that. It's really powerful that a woman victimized to this extent is in the property of someone who was a money launderer for the Calabrian Mafia, one of the most powerful and wealthiest mafias. It's a very powerful symbol that helped persuade decision-makers to accept this law in 2021.

**[00:33:08.530] - SPEAKER 4**

I believe the interest of this project is that it brought together the most interested parties and served as an experimentation upstream for the adoption of the law dated April 8, 2021. And I think most importantly, it helped raise awareness among decision-makers, especially politicians. This is how the President of the Republic, the Minister of Justice, and the Minister of the Economy also recognized the benefit of this new mechanism for the State.

**[00:33:39.250] - SPEAKER 2**

Especially to try to convince some officials at Bercy who, for them, and I say this, don't understand this scheme because they say, "But we sell the assets, we recover the money. So with this money, we pay for teachers, highways, hospitals." And they don't see the extremely symbolic nature of communication towards the general public and citizens that providing for the social use of confiscated assets entails. So, it's a very, very positive experience. Madam Humeau, you may know that there is a property definitively confiscated in Marseille. Today, a cocaine trafficker, it has been made available to two associations assisting victims of criminal offenses. Does it make sense to you that in Marseille, we multiply these examples? In your financial and health litigation, do you see anything interesting in this area?

**[00:34:31.170] - SPEAKER 3**

It obviously makes sense in Marseille to implement this system. On one hand, considering the ravages of the parallel economy affecting Marseille, which significantly impacts disadvantaged populations, it is important that ultimately these properties can benefit, whether through reintegration associations, employment support organizations, or others, thereby benefiting populations in need. They can see concretely that justice, even if it doesn't achieve everything, still scores some small victories against these traffickers. It is indeed a good thing.

**[00:35:17.180] - SPEAKER 2**

Thank you very much. Is there anything else you would like to add? If not, in any case, here's to a long life for confiscation and social use. Please, the final word.

**[00:35:26.480] - SPEAKER 4**

The final word, to echo what Laure is saying. I think we, unfortunately, as magistrates, often feel that justice is not very visible and we are rarely complimented for it. This indeed allows for valorous examples of action, and I'm referring to justice here, but it also extends to the judicial police behind the scenes. I'm just repeating what Laure said.

[00:35:48.900] - SPEAKER 2

Here's for this visibility. Thank you very much.

## HIGHLIGHT

On the 4th and 5th December 2023, French MPs voted unanimously, with the support of the government, to amend a bill aimed at strengthening the law on the seizure and confiscation of criminal assets. But why does French law need to be improved? In France, confiscation of the proceeds of crime is an optional additional penalty. And when the seizure procedure is initiated, it is not always effective.

However, European legislation (Directive 2014/42/EU and Regulation 1805/2018/EU) boosted confiscation in France. The “extended”, “money laundering”, “non-justification of resources”, “by equivalent” or “in value” configurations guaranteed the “detachment” of the seized property from the main offence. These legal provisions grant confiscation of properties only presumed to be illegal, or the confiscation of freely available properties to the convicted person (i.e. the confiscation of third-party assets). “Equivalent value” confiscation is one of the most effective methods of confiscation in France. It allows a sum of money or property to be confiscated in place and during the prosecution of the offence. It accounts for almost 50% of confiscations carried out in France.

While legal and judicial progress is undeniable, the ratio between provisional seizures and final confiscations remains low. In France, only 32.1% of assets seized provisionally are confiscated definitively. Citizen mobilisation stimulates many reforms. This is the reason why we're giving the floor to Jérôme Mondoloni, honorary lawyer and member of the Maxime Susini Corsican Anti-Mafia Collective, which, in conjunction with the Crim'HALT association, who obtained the first reading of compulsory confiscation and other reforms in line with European directives