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RINSE

*Research and **IN**formation **S**haring on freezing and confiscation orders in European Union*

101046613 — JUST-2021-JTRA

Caterina Scialla, post-doctoral researcher in criminal law, Rinse project

27 november 2024 - Final meeting of the RECOVER Consortium





Presentation's overview:

I. PROJECT GENERAL INFORMATIONS

II. SPECIFIC ISSUES



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RINSE KEY WORDS:

The RINSE project

is a:

❖ 30 months project (5 December 2022/4 June 2025)

of

❖ 6 Partners across 4 EUMS (Belgium, France, Greece, Italy)

❖ contributes to fostering the mutual recognition of the decisions of EU countries regarding the seizure and confiscation of assets

by

❖ enhancing knowledge, competences and skills

of

❖ judiciary professionals

❖ and other key players involved in the Multi-Phase Asset Recovery process



CONSORTIUM



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UNIVAN - (Univeristy of Campania, Law Dept.)

G.R.A.L.E. S.R.L. – (Research and consulting)

EPLO – (European Public Law Organization)

IGO –IFJ - (Institute for judicial training)

CRIM HALT – (promoting a culture of civil
engagement against serious crime)

UNIV. TOULOUSE II-JEAN JAURES



TARGET GROUP



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Who

DIRECT beneficiaries → legal practitioners having a criminal law background and working in the criminal justice system either in the capacity of a judge/magistrate, prosecutor or lawyer.

Further direct beneficiaries are public entities managing frozen/seized assets: asset recovery officers, asset management officers, etc.

INDIRECT beneficiaries → municipalities/consortia/entities managing frozen/seized assets; association of enterprises.

** WIDE-RANGING TARGET GROUP

Why

ASSET RECOVERY CHAIN : *The process involves multiple phases, each requiring the expertise of various professionals:*

1. Identification, tracing;
2. Freezing and Seizure;
3. Confiscation;
4. Management;
5. Disposal or Reuse.

ACTIVITIES

The project's rationale builds on **3 main pillars**:

- ❖ 1. **Comparative analysis** to identify training needs, weak spots and best practices with regard to national implementation of EU Regulation 2018/1805 and EU Directive 2014/42 in 4 countries (replaced by Directive 1260/2024 on asset recovery).
- ❖ 2. **Training** design and delivery targeting judicial and non-judicial professionals: (7 online modules; 12 national workshops; 1 international workshop; 7 Podcasts).
- ❖ 3. **Best practices sharing**: multilingual materials, 4 Info Days, 4 online LinkedIn events, 1 final conference.

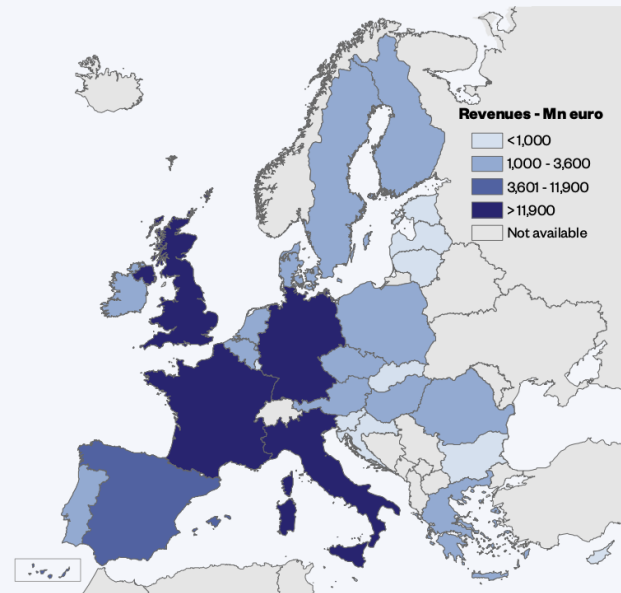
RESULTS/IMPACTS EXPECTED:

- increased **knowledge and understanding** of the 2 EU legislative provisions and their interconnections among judicial and non-judicial professionals
- greater understanding of **national legislation** in terms of the technical, legal and practical aspects of the multi-phase Asset Recovery process
- enhanced understanding of the **social reuse** of confiscated assets through recommendations and best practices sharing
- swifter **cooperation and harmonization** of cross-border criminal cases
- long-term **benefits for the communities** affected by criminal organizations due to strengthened capacity and cooperation of the institutional actors

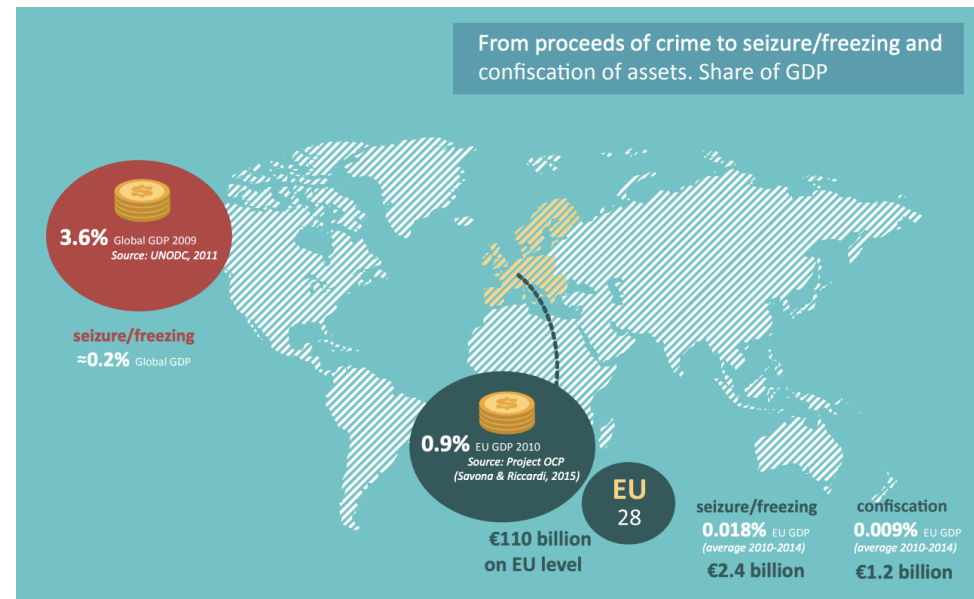
Research Background

The main illicit markets in the European Union generate around **110 billion euro each year**. This figure corresponds to approximately **1% of the EU GDP** [Transcrime, 2010]
However, only 1.1% of the criminal profits were finally confiscated at EU level [Europol, 2016]

Figure 1 – Estimates of the revenues from illicit markets in the EU. Absolute values⁷



Source: Transcrime elaboration on OCP estimates





RESEARCH AND INFORMATION SHARING ON FREEZING AND CONFISCATION ORDERS IN EUROPEAN UNION

20 giugno 2023

ore 9:00 – 16:00

Real Sito di Carditello

via Carditello, 81050 – San Tammaro (CE)

Indirizzi di saluto

Dott. Maurizio Maddaloni

Presidente Fondazione Real Sito di Carditello

Prof. Raffaele Picaro

Direttore del Dipartimento di Giurisprudenza – Università degli Studi della Campania *Luigi Vanvitelli*

Avv. Luigi Roma

Consigliere di amministrazione Fondazione Real Sito di Carditello

Coordina

Prof. Giuliano Balbi

Progetto RINSE – *Research and Inform freezing and confiscation orders in Euro*

Il mutuo riconoscimento provvedimenti di sequestro criticità nella prassi

Venerdì 26 maggio 2023 - ore 9:00
Dipartimento di Giurisprudenza
Palazzo Melzi, Aula Conferenze
Via Mazzocchi, Santa Maria Capua Vetere

Introduce

Antonio Pagliano

Università degli Studi della Campania "Luigi Vanvitelli"

Discutono

Amedeo Iannace

Foro di S. Maria Capua Vetere



Progetto RINSE – *Research and Information Sharing on freezing and confiscation orders in European Union*

I provvedimenti di sequestro e confisca: la prassi degli esperti a confronto

Mercoledì 19 Aprile 2023

Dipartimento di Giurisprudenza
Palazzo Melzi, Aula Consiglio - Via Mazzocchi, Santa Maria Capua Vetere

Ore 10,00 - Assemblea dei partner

Ore 15,00 - Tavola rotonda

Introducono

Andreana Esposito

Università degli Studi della Campania "Luigi Vanvitelli"

Antonio Pagliano

Università degli Studi della Campania "Luigi Vanvitelli"

Introducono

Mauro Baldascino

Comitato don Peppino Di Maria

Rosario Di Legami

Foro di Palermo

Giuseppe Furcinii

Colonnello Guardia di Finanza -
Comando Provinciale di Caserta

1. Pillar: Research

FINDINGS FROM RESEARCH – MAJOR ISSUES

(Quite interesting, yet familiar!)

Reg (EU) 2018/1805: Scope – «**Proceedings in Criminal Matters**» instead of «In the framework of criminal proceedings»

❖ What is the fate of preventive confiscation?

A «proceeding in criminal matters» is an autonomous concept of Union law interpreted by the Court of Justice of the European Union, without prejudice to the case law of the European Court of Human Rights.

- ❖ No definition of the «autonomous concept of a proceeding in criminal matters»
- ❖ The same linguistic ambiguity is found in the regulation regarding the definition of **applicable safeguards** (see Recital 18)


FINDINGS FROM RESEARCH – MAJOR ISSUES

(Quite interesting, less familiar!)

Statistics

ONLINE SURVEY:

Sunday, October 29, 2023

 **RINSE Project 101046613 Research and Information Sharing on freezing and confiscation orders in European Union**
Level of knowledge with regard to the 2 EU legislative instruments (Regulation (EU) 2018/1805 and Directive 2014/42/EU), their practical implementation measures and their relations with ECHR

Name

Email

Profession

Nationality

What is your overall level of knowledge of Regulation (EU) 2018/1805?

What is your overall level of knowledge of Directive 2014/42/EU?

Have you ever been involved in a request for mutual recognition of a freezing and confiscation order, either as requesting authority or as executing authority, under Regulation (EU) 2018/1805?

I SECTION
Mutual recognition of freezing and confiscation orders in the national legal system.
I SECTION What are we talking about?

As a member of your office, have you received internal documents/guidelines regarding the implementation of Regulation (EU) 2018/1805 and Directive 2014/42/EU?

Are you aware of the existence, in other legal systems, of freezing and confiscation measures that do not exist in your own legal system?

1. what Regulation is talking about
2. problems in the mutual recognition process
3. cross-border investigations
4. further consequences
5. confiscated assets
6. management and reuse of frozen and confiscated assets

FINDINGS FROM RESEARCH – MAJOR ISSUES

(Quite interesting, less familiar!)

Statistics

ONLINE SURVEY:



- the success indicator for the survey was not achieved.

WHY?

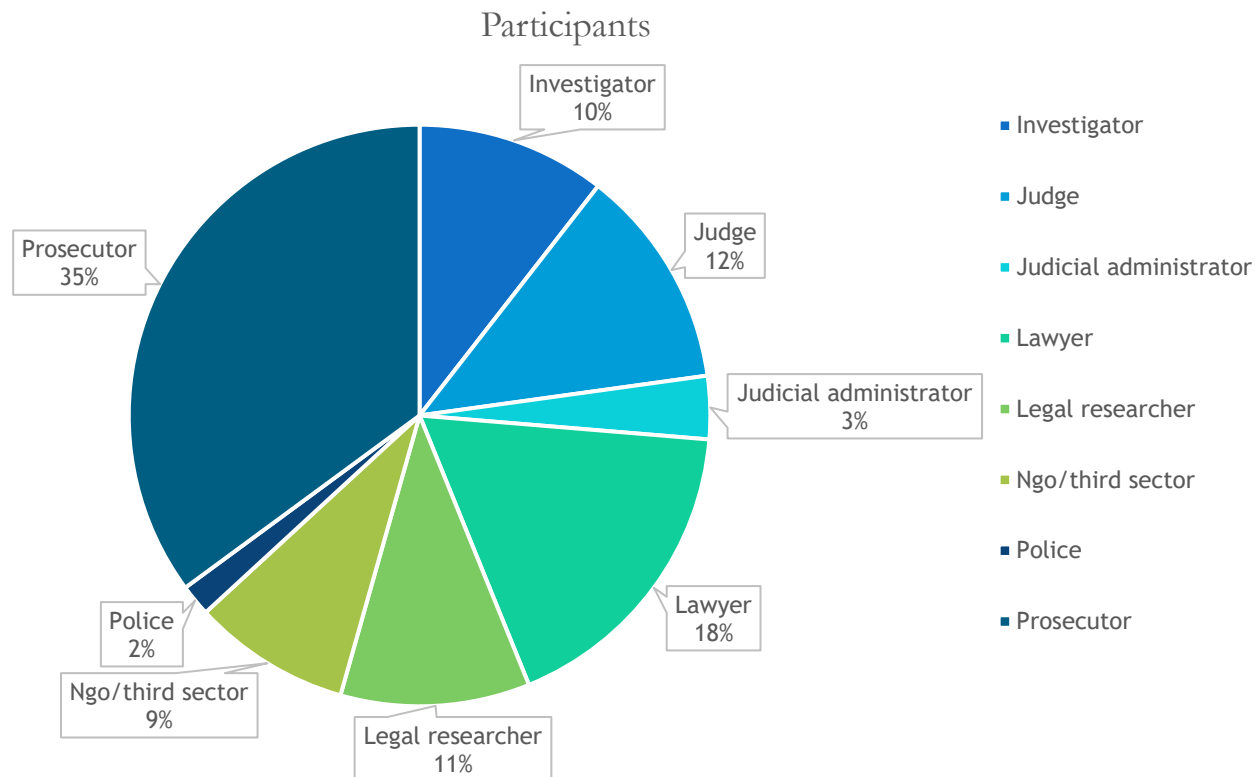
- a lack of prior experience with the mutual recognition tool and an insufficient level of familiarity with its functionalities
- The collection of national data by national authorities is incomplete
- Language is an issue

FINDINGS FROM RESEARCH – MAJOR ISSUES

(Quite interesting, less familiar!)

Statistics

ONLINE SURVEY:



An example from the participant sample demonstrates how we easily reach legal professionals but struggle to engage non-legal stakeholders, such as municipalities and the third sector associations. This is particularly significant as they play a crucial role in the confiscation process, being the recipients of the social reuse of assets

FINDINGS FROM RESEARCH – MAJOR ISSUES

(Quite interesting, less familiar!)

Statistics

ONLINE SURVEY:



- Few guidelines or circulars containing instructions and clarifications regarding the application of the Mutual Recognition procedure
- Difficulty in granting mutual recognition to a confiscation measure not provided for in one's own legal system
- difficulty of meeting the 45-day deadline imposed by Article 20 of Regulation
- communication difficulties between authorities
- challenges in understanding the mutual recognition certificate
- reasons for refusing mutual recognition other than those specified by Regulation
- Almost all states have indicated a central authority (the list is published on the EJN website); however, from the responses of the interviewees, it emerges that it is not always clear who this authority is and what its specific tasks are

FINDINGS FROM RESEARCH – MAJOR ISSUES

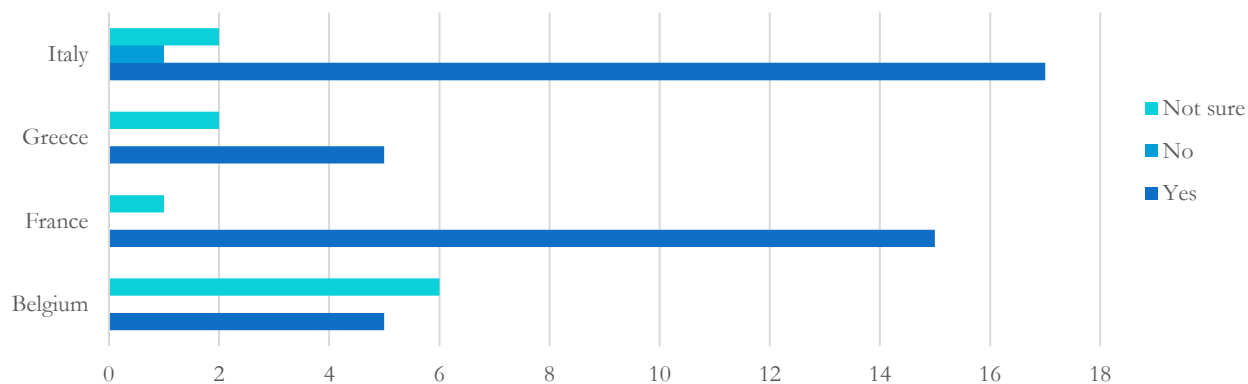
(Quite interesting, less familiar!)

Statistics

ONLINE SURVEY:

- The major challenge in mutual recognition is the lack of prior harmonization of existing types of confiscation in Europe
- In each state, there are differences regarding the scope of application of asset confiscation measures also concerning the assets that can be frozen and confiscated
- General absence, in each of the states under consideration, of awareness about regulations concerning the social reuse of seized and confiscated assets

Existence of national legislation on social and institutional reuse of confiscated assets





EU Project RINSE - Training Program on Freezing and Confiscation Orders

LIVE EVENT

Explore the Latest in EU Asset Recovery Laws: Join Our RINSE Webinar Series 2024

We are excited to invite you to the RINSE Project Training on Freezing and Confiscation Orders! Join us for a unique opportunity to enhance your knowledge on EU legislative provisions, asset recovery, and best practices in the field of freezing and confiscation orders. This training brings together legal practitioners and experts from across Europe to explore key topics, share practical case studies, and discuss the latest EU regulations.



26-27 September & 2 October 2024



Key Topics:

- Introduction to freezing and confiscation orders in the EU
- Procedures and international asset tracing
- Asset management and disposal
- Discussions with EU Transparency International on asset recovery
- Confiscation theory and practice
- Discussion with EU-Transparency International on EU asset recovery policy

Day 1: Thursday 26 September 2024

Moderator: [Giovanni Carlo Bruno](#), Senior Researcher in International Law, National Research Council of Italy

15:30 (UTC+2): Historical European framework

- Judicial cooperation in criminal matters
- Mutual recognition

Speaker: [Chloé Brière](#), Professor of EU Law (Université Libre de Bruxelles) **Q&A**

Crim'HALT

Masterclass : Réaffectation sociale et collectivités territoriales

Cette masterclass explore le sujet de la réaffectation sociale des biens mal acquis en France, un enjeu clé pour les collectivités territoriales.


Avec l'intervention de **Mme Amélie Dréan**, adjointe au chef du département immobilier de l'AGRASC, les participants découvriront le cadre légal de la loi de 2024 sur la confiscation et la Directive (UE) 2024/1260, ainsi que les opportunités et responsabilités pour les acteurs locaux dans ce processus.

Les participants auront l'occasion d'approfondir leur compréhension de ce sujet à travers une présentation interactive suivie d'une session de questions-réponses et d'échanges constructifs.



• 2. Pillar: Training

The RINSE training programme includes three different types of events:

- A. Common online training path 
- B. 12 national training events (3 national training events/country)
- C. International Training workshops

COMMON ONLINE TRAINING PATH:



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- Low participation (106 out of 180 participants) and significant difficulty in reaching the target group, particularly municipalities and associations, which may prefer a more hands-on and interactive type of training tailored to their needs
- Major challenges related to language, as the training was conducted in English, which limited accessibility for some participants
- Feedback highlighted the need for more localized approaches, including the use of native languages to better address the specific roles and challenges faced by different stakeholders

Preliminary findings

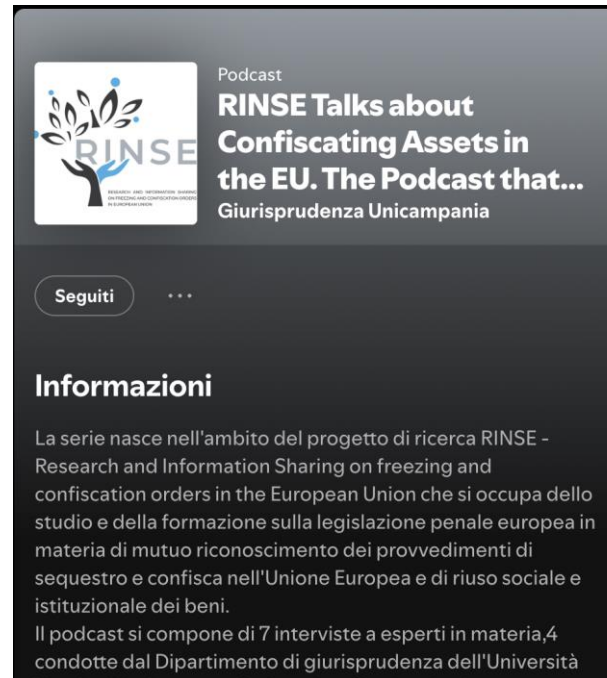
- Training activities must be structured on two levels, balancing local and international approaches
- The most effective approach is practical, sharing of guidelines, hands-on experiences
- Need for improved communication between authorities
- When it comes to the social reuse of confiscated assets, associations are generally more advanced than institutions, as seen in Belgium. The Consortium often face significant challenges in organizing specific training sessions on social reuse due to the lack of relevant legislation and practical experience in this area
- Language barriers remain a major obstacle across all states, further complicating efforts to create effective and inclusive training programs
- Lack of harmonization across Europe, which complicates the implementation of unified strategies and best practices (we'll see what the new Directive EU 2024/1260 brings)
- Confiscation is widely recognized as the primary tool employed by the European legislator to tackle the challenges posed by economic criminal activities (more effort is needed from researchers in this area)

Thank you for your attention 😊

Looking forward to any questions or discussions.

[Rinse Website](#) 
Podcast here → [Spotify](#) 

Caterina Scialla
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Podcast
**RINSE Talks about
Confiscating Assets in
the EU. The Podcast that...**
Giuurisprudenza Unicompania

Seguiti ...

Informazioni

La serie nasce nell'ambito del progetto di ricerca RINSE - Research and Information Sharing on freezing and confiscation orders in the European Union che si occupa dello studio e della formazione sulla legislazione penale europea in materia di mutuo riconoscimento dei provvedimenti di sequestro e confisca nell'Unione Europea e di riuso sociale e istituzionale dei beni.
Il podcast si compone di 7 interviste a esperti in materia, 4 condotte dal Dipartimento di giurisprudenza dell'Università