Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on asset recovery and confiscation

2022/0167(COD)
DRAFT [ARC - 4CT following ITM16 of 07122023]
07-12-2023 at 15h12

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Formula				
1	2022/0167 (COD)	2022/0167 (COD)	2022/0167 (COD)	2022/0167 (COD) EP to revert Council to revert Commission to revert restrictive measures DLA to check new green line For political level structure to change Text Origin: Commission Proposal
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on asset recovery and confiscation	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on asset recovery and confiscation	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on asset recovery and confiscation	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on asset recovery and confiscation Text Origin: Commission Proposal
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2), Article 83(1) and (2) and Article 87(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2), Article 83(1) and (2) and Article 87(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2), Article 83(1) and (2) and Article 87(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2), Article 83(1) and (2) and Article 87(2) thereof, Text Origin: Commission Proposal
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee[1],	Having regard to the opinion of the European Economic and Social Committee[1],	Having regard to the opinion of the European Economic and Social Committee[1],	Having regard to the opinion of the European Economic and Social Committee[1],

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	1. OJ C , , p. .	1. OJ C , , p. .	1. OJ C , , p. .	1. OJ C , , p. . Text Origin: Commission Proposal
Citation 5				
8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal
Formula				
9	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission Proposal
Recital 1				
10	(1) Europol's 2021 Serious and Organised Crime Threat Assessment (SOCTA) highlighted the rising threat from organised crime and criminal infiltration. Driven by the large revenues generated by organised crime, which amount to at least EUR 139 billion every year, and which are increasingly laundered through a parallel underground financial system, the availability of such proceeds from criminal activities poses a significant threat to the integrity of the economy	(1) Europol's 2021 Serious and Organised Crime Threat Assessment (SOCTA) highlighted the rising threat from organised crime and criminal infiltration. Driven by the large revenues generated by organised crime, which amount to at least EUR 139 billion every year, and which are increasingly laundered through a parallel underground financial system, the availability of such proceeds from criminal activities poses a significant threat to the integrity of the economy	(1) Europol's 2021 Serious and Organised Crime Threat Assessment (SOCTA) highlighted the rising threat from organised crime and criminal infiltration. Driven by the large revenues generated by organised crime, which amount to at least EUR 139 billion every year, and which are increasingly laundered through a parallel underground financial system, the availability of such proceeds from criminal activities poses a significant threat to the integrity of the economy	(1) ***I(1)*** Europol's 2021 Serious and Organised Crime Threat Assessment (SOCTA) highlighted the rising threat from organised crime and criminal infiltration. Driven by the large revenues generated by organised crime, which amount to at least EUR 139 billion every year, and which are increasingly laundered through a parallel underground financial system, the availability of such proceeds from criminal activities poses a significant threat to the integrity of the economy

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	and society, eroding the rule of law and fundamental rights. The EU Strategy to tackle Organised Crime 2021-2025 aims at addressing these challenges by promoting cross-border cooperation, supporting effective investigations against criminal networks, eliminating proceeds from criminal activities, and making law enforcement and the judiciary fit for the digital age.	and society, eroding the rule of law and fundamental rights. The EU Strategy to tackle Organised Crime 2021-2025[1] aims at addressing these challenges by promoting cross-border cooperation, supporting effective investigations against criminal networks, eliminating proceeds from criminal activities, and making law enforcement and the judiciary fit for the digital age. 1. COM(2021) 170 final	and society, eroding the rule of law and fundamental rights. The EU Strategy to tackle Organised Crime 2021-2025 aims at addressing these challenges by promoting cross-border cooperation, ***and the exchange of information between Member States,*** supporting effective investigations against criminal networks, eliminating proceeds from criminal activities, and making law enforcement and the judiciary fit for the digital age.	and society, eroding the rule of law and fundamental rights. The EU Strategy to tackle Organised Crime 2021-2025 aims at addressing these challenges by promoting cross-border cooperation ***and information exchange***, supporting effective investigations against criminal networks, eliminating proceeds from criminal activities, and making law enforcement and the judiciary fit for the digital age.***[*** Council to revert Text Origin: EP Mandate ITM13 27112023
Recital 2				
11	(2) The main motive for cross-border organised crime, including high-risk criminal networks, is financial gain. Therefore, to tackle the serious threat posed by organised crime, competent authorities should be given the means to effectively trace and identify, freeze, confiscate and manage the instrumentalities and proceeds of crime and property that stems from criminal activities.	(2) The main motive for cross-border organised crime, including high-risk criminal networks, is financial gain. Therefore, to tackle the serious threat posed by organised crime, competent authorities should be given the means to effectively trace and identify, freeze, confiscate and manage the instrumentalities and proceeds of crime and property that stems from criminal activities.	(2) The main motive for cross-border organised crime, including high-risk criminal networks, is financial gain. Therefore, to tackle the serious threat posed by organised crime, competent authorities should be given ***more operational capacity and necessary*** ~~*the*~~ means to effectively trace and identify, freeze, confiscate and manage the instrumentalities and proceeds of crime and property that stems from criminal activities.	(2) ***[***The main motive for cross-border organised crime, including high-risk criminal networks, is financial gain. Therefore, to tackle the serious threat posed by organised crime, competent authorities should be given ***more operational capacity and necessary*** ~~*the*~~ means to effectively trace and identify, freeze, confiscate and manage the instrumentalities and proceeds of crime and property that stems from criminal activities.***[*** Council to revert Text Origin: EP Mandate ITM13 27112023

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Recital 2a				
11a			***(2a) Criminal organisations usually reinvest part of their profits from criminal activities to create a financial base enabling them to continue those activities. In addition, criminal organisations often resort to violence, threats or intimidation in order to acquire the control or management of economic activities, concessions, authorisations, procurement and public services, or to achieve illicit profits or advantages, thereby adversely affecting the freedom of competition, or to prevent or to hinder the free exercise of the right to vote or to otherwise alter voting results in elections, thus affecting democratic life. Organised crime has therefore become an economic worldwide operator with an entrepreneurial vocation and specialised in both the legal and illegal supply of goods and services. Depriving criminals of illicit profits is essential in order to disrupt their activities and to prevent them from infiltrating the legitimate economies.***	***(2a) "[(2a) Criminal organisations usually reinvest part of their profits from criminal activities to create a financial base enabling them to continue those activities. In addition, criminal organisations often resort to violence, threats or intimidation, as well as corruption, in order to acquire the control of companies, obtain concessions, authorisations, tenders or grants, or to achieve illicit profits or advantages and to infiltrate key infrastructures such as logistic hubs. Thereby those groups adversely affect the freedom of competition, or influence decisions of public authorities, threatening the rule of law and democracy. Organised crime has become an economic worldwide operator with an entrepreneurial aim . Depriving criminals of illicit profits is essential in order to disrupt their activities and to prevent them from infiltrating the legitimate economies.]*** COM proposal:(2a) Criminal organisations usually reinvest part of their profits from criminal activities to create a financial base enabling them to continue those activities. In addition, criminal organisations often resort to

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				violence, threats or intimidation, as well as corruption, in order to acquire the control of companies, obtain concessions, authorisations, tenders or grants, or to achieve illicit profits or advantages and to infiltrate key infrastructures such as logistic hubs. Thereby those groups adversely affect the freedom of competition, or influence decisions of public authorities, threatening the rule of law and democracy. Organised crime has become an economic worldwide operator with an entrepreneurial aim . Depriving criminals of illicit profits is essential in order to disrupt their activities and to prevent them from infiltrating the legitimate economies. Council to revert ITM13 27112023
Recital 2b				
G 11b			***(2b) Economic and financial crime, in particular organised crime, often operate through legal persons, and the criminal offences included in the scope of this Directive can be committed in the interest or for the benefit of such legal persons. Therefore, freezing and confiscation orders should be issued also against legal persons.***	***(2b) [(2b) Economic and financial crime, in particular organised crime, often operates through legal persons, and the criminal offences included in the scope of this Directive can be committed in the interest or for the benefit of such legal persons. Therefore, freezing and confiscation orders may be issued also against legal persons in accordance with national law.]*** related to "legal persons"

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Recital 3				
12	(3) An effective asset recovery system requires the swift tracing and identification of instrumentalities and proceeds of crime, and property suspected to be of criminal origin. Such proceeds, instrumentalities, and property should be frozen in order to prevent its disappearance, following which it should be confiscated upon conclusion of criminal proceedings. An effective asset recovery system further requires the effective management of frozen and confiscated property to maintain its value for the State or for the restitution for victims.	(3) An effective asset recovery system requires the swift tracing and identification of instrumentalities and proceeds of crime, and property suspected to be of criminal origin. Such proceeds, instrumentalities, and property should be frozen in order to prevent its disappearance, following which it should be confiscated upon conclusion of criminal proceedings. An effective asset recovery system further requires the effective management of frozen and confiscated property to maintain its value for the State or for the restitution for victims ***or legal persons that have suffered harm caused by a criminal offence***.	(3) An effective asset recovery system requires the swift tracing and identification of instrumentalities and proceeds of crime, and property suspected to be of criminal origin. Such proceeds, instrumentalities, and property should be frozen in order to prevent its disappearance, following which it should be confiscated upon conclusion of ***proceedings in*** criminal ~~*proceedings*~~***matters***. An effective asset recovery system further requires the effective management of frozen and confiscated property to maintain its value for the State or for the restitution for victims.	(3) ***[(3)*** An effective asset recovery system requires the swift tracing and identification of instrumentalities and proceeds of crime, and property suspected to be of criminal origin. Such proceeds, instrumentalities, and property should be frozen in order to prevent its disappearance, following which it should be confiscated upon ~~*conclusion of criminal*~~***the issuing of a confiscation order within the framework of*** proceedings ***in criminal matters***. An effective asset recovery system further requires the effective management of frozen and confiscated property to maintain its value for the State or for the restitution for victims.***]*** Council to revert ITM13 27112023 ITM16 07122023
Recital 4				
13	(4) The current Union legal framework on tracing and	(4) The current Union legal framework on tracing and	(4) The current Union legal framework on tracing and	(4) The current Union legal framework on tracing and

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	identification, freezing, confiscation and management of proceeds, instrumentalities and property, and on asset recovery offices, consists of Directive 2014/42/EU of the European Parliament and of the Council[1], Council Decision 2007/845/JHA[2] and Council Framework Decision 2005/212/JHA[3]. The Commission evaluated Directive 2014/42/EU and Council Decision 2007/845/JHA, concluding that the current framework has not fully achieved the policy objective of fighting organised crime through recovering its profits. _____ 1. Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29.4.2014, p. 39). 2. Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between asset recovery offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (OJ L 332, 18.12.2007, p. 103). 3. Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49).	identification, freezing, confiscation and management of proceeds, instrumentalities and property, and on asset recovery offices, consists of Directive 2014/42/EU of the European Parliament and of the Council[1], Council Decision 2007/845/JHA[2] and Council Framework Decision 2005/212/JHA[3]. The Commission evaluated Directive 2014/42/EU and Council Decision 2007/845/JHA, concluding that the current framework has not fully achieved the policy objective of fighting organised crime through recovering its profits. _____ 1. Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29.4.2014, p. 39). 2. Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between asset recovery offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (OJ L 332, 18.12.2007, p. 103). 3. Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49).	identification, freezing, confiscation and management of proceeds, instrumentalities and property, and on asset recovery offices, consists of Directive 2014/42/EU of the European Parliament and of the Council[1], Council Decision 2007/845/JHA[2] and Council Framework Decision 2005/212/JHA[3]. The Commission evaluated Directive 2014/42/EU and Council Decision 2007/845/JHA, concluding that the current framework has not fully achieved the policy objective of fighting organised crime through recovering its profits. _____ 1. Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29.4.2014, p. 39). 2. Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between asset recovery offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (OJ L 332, 18.12.2007, p. 103). 3. Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49).	identification, freezing, confiscation and management of proceeds, instrumentalities and property, and on asset recovery offices, consists of Directive 2014/42/EU of the European Parliament and of the Council[1], Council Decision 2007/845/JHA[2] and Council Framework Decision 2005/212/JHA[3]. The Commission evaluated Directive 2014/42/EU and Council Decision 2007/845/JHA, concluding that the current framework has not fully achieved the policy objective of fighting organised crime through recovering its profits. _____ 1. Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29.4.2014, p. 39). 2. Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between asset recovery offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (OJ L 332, 18.12.2007, p. 103). 3. Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property (OJ L 68, 15.3.2005, p. 49). new green line Text Origin: Commission Proposal ITM13 27112023

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Recital 5				
14	(5) Therefore, the existing legal framework should be updated, so as to facilitate and ensure effective asset recovery and confiscation efforts across the Union. To that end, the Directive should lay down minimum rules on tracing and identification, freezing, confiscation and management of property within the framework of proceedings in criminal matters. In this context, proceedings in criminal matters is an autonomous concept of Union law interpreted by the Court of Justice of the European Union, notwithstanding the case law of the European Court of Human Rights. The term covers all types of freezing and confiscation orders issued following proceedings in relation to a criminal offence. It also covers other types of orders issued without a final conviction. Proceedings in criminal matters could also encompass criminal investigations by the police and other law enforcement authorities. It is necessary to reinforce the capacity of competent authorities to deprive criminals of the proceeds from criminal activities. For this purpose, rules should be laid down to strengthen asset tracing and identification, as well as freezing	(5) Therefore, the existing legal framework should be updated, so as to facilitate and ensure effective asset recovery and confiscation efforts across the Union. To that end, the Directive should lay down minimum rules on tracing and identification, freezing, confiscation and management of property within the framework of proceedings in criminal matters. In this context, proceedings in criminal matters is an autonomous concept of Union law interpreted by the Court of Justice of the European Union, notwithstanding the case law of the European Court of Human Rights. The ~~term covers all types of freezing and confiscation orders issued following proceedings in relation to a criminal offence. It also covers other types of orders issued~~***Directive is*** without ~~a final conviction. Proceedings in criminal matters could also encompass criminal investigations by the police and other law enforcement authorities~~***prejudice to the procedures that Member States may use to freeze and confiscate the property***. It is necessary to reinforce the capacity of competent authorities to deprive criminals of the proceeds from criminal activities. For this	(5) Therefore, the existing legal framework should be updated, so as to facilitate and ensure effective asset recovery and confiscation efforts across the Union. To that end, the Directive should lay down minimum rules on tracing and identification, freezing, confiscation and management of property within the framework of proceedings in criminal matters. In this context, proceedings in criminal matters is an autonomous concept of Union law interpreted by the Court of Justice of the European Union, notwithstanding the case law of the European Court of Human Rights. The term covers all types of freezing and confiscation orders issued following proceedings in relation to a criminal offence. It also covers other types of orders issued without a final conviction. Proceedings in criminal matters could also encompass criminal investigations by the police and other law enforcement authorities. ***Where the national legal system of the Member States allows, Member States should be able to apply this Directive to different types of national proceedings provided that it is ensured that any procedure satisfies essential characteristics of***	(5) Therefore, the existing legal framework should be updated, so as to facilitate and ensure effective asset recovery and confiscation efforts across the Union. To that end, the Directive should lay down minimum rules on tracing and identification, freezing, confiscation and management of property within the framework of proceedings in criminal matters. In this context, proceedings in criminal matters is an autonomous concept of Union law interpreted by the Court of Justice of the European Union, notwithstanding the case law of the European Court of Human Rights. ***[Where the national legal system of the Member States allows, Member States should be able to apply this Directive to different types of national proceedings provided that it is ensured that any procedure satisfies essential characteristics of a criminal procedure, in particular its safeguards. [The Directive is without prejudice to the procedures that Member States may use to freeze and confiscate the property***~~The term covers all types of freezing and confiscation orders issued following proceedings in relation to a criminal offence. It also covers other types of orders issued~~

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	capabilities, to improve management of frozen and confiscated property, to strengthen the instruments to confiscate instrumentalities and proceeds of crime and property derived from criminal activities of criminal organisations, and to improve the overall efficiency of the asset recovery system.	purpose, rules should be laid down to strengthen asset tracing and identification, as well as freezing capabilities, to improve management of frozen and confiscated property ***until its disposal based on a final confiscation order***, to strengthen the instruments to confiscate instrumentalities and proceeds of crime and property derived from criminal activities of criminal organisations, and to improve the overall efficiency of the asset recovery system.	***a criminal procedure, in particular its safeguards.*** It is necessary to reinforce the capacity of competent authorities to deprive criminals of the proceeds from criminal activities. For this purpose, rules should be laid down to strengthen asset tracing and identification, as well as freezing capabilities, to improve management of frozen and confiscated property, to strengthen the instruments to confiscate instrumentalities and proceeds of crime and property derived from criminal activities of criminal organisations, and to improve the overall efficiency of the asset recovery system.	~~*without a final conviction. Proceedings in criminal matters could also encompass criminal investigations by the police and other law enforcement authorities*~~. It is necessary to reinforce the capacity of competent authorities to deprive criminals of the proceeds from criminal activities. For this purpose, rules should be laid down to strengthen asset tracing and identification, as well as freezing capabilities, to improve management of frozen and confiscated property ***until its disposal based on a final confiscation order***, to strengthen the instruments to confiscate instrumentalities and proceeds of crime and property derived from criminal activities of criminal organisations, and to improve the overall efficiency of the asset recovery system. related to Art16 to Art1 Commission to revert Council to revert EP to revert Text Origin: Council Mandate ITM16 07122023
Recital 6				
R 15	(6) Moreover, the adoption of unprecedented and far-reaching Union restrictive measures triggered	*deleted*	*(6)* Moreover, the adoption of unprecedented and far-reaching Union restrictive measures triggered	restrictive measures trilogue ITM13 27112023

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	by the Russian invasion into Ukraine revealed the need to step up efforts to ensure the effective implementation of both sectorial and individual Union restrictive measures across the Union. While not criminal in nature, nor requiring criminal conduct as a pre-condition for their imposition, Union restrictive measures also rely on freezing of funds (i.e. targeted financial sanctions) and sectorial measures, and should thus benefit from strengthened capabilities in the context of identification and tracing of property. For such purpose, rules should be established to enhance the effective identification and tracing of property owned or controlled by persons and entities subject to such restrictive measures, and to promote greater international cooperation of asset recovery offices with their counterparts in third countries. Measures related to freezing and confiscation under this Directive, notably those under Chapters III and IV, remain however limited to situations where property stems from criminal activities, such as the violation of Union restrictive measures. This Directive does not regulate the freezing of funds and economic resources under Union restrictive measures.		by the Russian invasion into Ukraine revealed the need to step up efforts to ensure the effective implementation of both sectorial and individual Union restrictive measures across the Union. While not criminal in nature, nor requiring criminal conduct as a pre-condition for their imposition, Union restrictive measures also rely on freezing of funds (i.e. targeted financial sanctions) and sectorial measures, and should thus benefit from strengthened capabilities in the context of identification and tracing of property. For such purpose, rules should be established to enhance the effective identification and tracing of property owned or controlled by persons and entities subject to such restrictive measures, and to promote greater international cooperation of asset recovery offices with their counterparts in third countries. Measures related to freezing and confiscation under this Directive, notably those under Chapters III and IV, remain however limited to situations where property stems from criminal activities, such as the violation of Union restrictive measures. This Directive does not regulate the freezing of funds and economic resources under Union restrictive measures.	
Recital 7				

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R	16	(7) Measures aiming at increasing capabilities of tracing and identification of relevant property in relation to persons or entities subject to Union restrictive measures, as well as complementary measures to ensure that such property is not transferred or hidden to evade Union restrictive measures, contribute to the prevention and detection of possible violation of Union restrictive measures and enhanced cross-border cooperation in investigations into possible criminal offences.	*deleted*	*(7)* Measures aiming at increasing capabilities of tracing and identification of relevant property in relation to persons or entities subject to Union restrictive measures, as well as complementary measures to ensure that such property is not transferred or hidden to evade Union restrictive measures, contribute to the prevention and detection of possible violation of Union restrictive measures and enhanced cross-border cooperation in investigations into possible criminal offences.	restrictive measures trilogue ITM13 27112023
	Recital 8			
G	17	(8) The rules should facilitate cross-border cooperation by providing the competent authorities with the necessary powers and resources to respond in a swift and effective way to requests from authorities in other Member States. Provisions laying down rules on early tracing and identification, urgent action to freeze, or efficient management contribute to improving the possibilities for asset recovery across borders. Given the global nature of in particular organised crime, cooperation with third countries should also be strengthened.	(8) The rules should facilitate cross-border cooperation by providing the competent authorities with the necessary powers and resources to respond in a swift and effective way to requests from authorities in other Member States. Provisions laying down rules on early tracing and identification, urgent action to freeze, or efficient management contribute to improving the possibilities for asset recovery across borders. Given the global nature of in particular organised crime, cooperation with third countries should also be strengthened.	(8) The rules should facilitate cross-border cooperation by providing the competent authorities with the necessary powers and resources to respond in a swift and effective way to requests from authorities in other Member States. Provisions laying down rules on early tracing and identification, urgent action to freeze, or efficient management contribute to improving the possibilities for asset recovery across borders. Given the global nature of in particular organised crime, ***and the fleeting nature of criminal assets that can easily be moved or concealed*** cooperation with third countries should also be	(8) ***¨](8)*** The rules should facilitate cross-border cooperation by providing the competent authorities with the necessary powers and resources to respond in a swift and effective way to requests from authorities in other Member States. Provisions laying down rules on early tracing and identification, urgent action to freeze, or efficient management contribute to improving the possibilities for asset recovery across borders. Given the global nature of ~~*in particular*~~ organised crime, ***and its capacity to transfer criminal assets quickly across the*** cooperation with third countries should also be

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			strengthened***, in full respect of fundamental rights***.	strengthened ***within the international legal framework.]*** COM proposal (27/11): (8) The rules should facilitate cross-border cooperation by providing the competent authorities with the necessary powers and resources to respond in a swift and effective way to requests from authorities in other Member States. Provisions laying down rules on early tracing and identification, urgent action to freeze, or efficient management contribute to improving the possibilities for asset recovery across borders. Given the global nature of organised crime, and the of its capacity to transfer criminal assets quickly across the cooperation with third countries should also be strengthened within the international legal framework. Council to revert ITM13 27112023
Recital 8a				
17a			***(8a) There is a clear need for closer and more effective cooperation between all asset recovery authorities, including between asset recovery offices and asset management offices and their counterparts in other Member States.***	***(8a) deleted*** this text was move to recital 39 (line 48) new green line ITM13 27112023

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Recital 9				
18	(9) Due to the poly-criminal nature of and the systemic and profit-oriented cooperation of criminal organisations involved in a wide range of illicit activities in different markets, an effective fight against organised crime requires that freezing and confiscation measures are available to cover the profits from all offences where organised crime groups are active in. These crimes include the areas of crime listed in Article 83(1), including the illicit trafficking in weapons, munitions and explosives as defined in the Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against transnational organized crime, to which the Union is party. In addition to the crimes listed in Article 83(1), the scope of the Directive should also cover all crimes that are harmonised at EU level, including frauds against the financial interests of the European Union in light of the increasing involvement of organised criminal groups in such crime area. The scope of the Directive should further include environmental crimes, which are a core business for organised criminal groups and are often connected to money laundering	(9) Due to the poly-criminal nature of and the systemic and profit-oriented cooperation of criminal organisations involved in a wide range of illicit activities in different markets, an effective fight against organised crime requires that freezing and confiscation measures are available to cover the profits from all offences where organised crime groups are active in. These crimes include the areas of crime listed in Article 83(1), including the illicit trafficking in weapons, munitions and explosives as defined in the Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against transnational organized crime, to which the Union is party. In addition to the crimes listed in Article 83(1), the scope of the Directive should also cover all crimes that are harmonised at EU level, including frauds against the financial interests of the European Union in light of the increasing involvement of organised criminal groups in such crime area. The scope of the Directive should further include environmental crimes, which are a core business for organised criminal groups and are often connected to money laundering	(9) Due to the poly-criminal nature of and the systemic and profit-oriented cooperation of criminal organisations involved in a wide range of illicit activities in different markets, an effective fight against organised crime requires that freezing and confiscation measures are available to cover the profits from all offences where organised crime groups are active in. These crimes include the areas of crime listed in Article 83(1)~~, including the illicit trafficking in weapons, munitions and explosives as defined in the Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against transnational organized crime, to which the Union is party~~. In addition to the crimes listed in Article 83(1), the scope of the Directive should also cover all crimes that are harmonised at EU level, including frauds against the financial interests of the European Union in light of the increasing involvement of organised criminal groups in such crime area. The scope of the Directive should further include environmental crimes, which are a core business for organised criminal groups and are often connected to money	[(9) Due to the poly-criminal nature of and the systemic and profit-oriented cooperation of criminal organisations involved in a wide range of illicit activities in different markets, an effective fight against organised crime requires that freezing and confiscation measures are available to cover the profits from all offences where organised crime groups are active in. These crimes include the areas of crime listed in Article 83(1)~~, including the illicit trafficking in weapons, munitions and explosives as defined in the Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against transnational organized crime, to which the Union is party~~. In addition to the crimes listed in Article 83(1), the scope of the Directive should also cover all crimes that are harmonised at EU level, including frauds against the financial interests of the European Union in light of the increasing involvement of organised criminal groups in such crime area. The scope of the Directive should further include environmental crimes, which are a core business for organised criminal groups and are often connected to money laundering

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	or concern waste and residues produced in the context of drug production and trafficking. The facilitation of unauthorized entry and residence constitute a core business for organised criminal groups and is typically connected to the trafficking in human beings.	or concern waste and residues produced in the context of drug production and trafficking. The facilitation of unauthorized entry and residence constitute a core business for organised criminal groups and is typically connected to the trafficking in human beings.	laundering, ***document fraud, economic fraud, tax evasion and corruption*** or concern waste ***trafficking in breach of national and international law and standards regulating the collection, treatment and disposal of waste, including*** ~~*and*~~ residues produced in the context of drug production and trafficking. The facilitation of unauthorized entry and residence constitute a core business for organised criminal groups and is typically connected to the trafficking in human beings. ***The criminal offence of facilitating unauthorised entry and residence should be understood within the meaning of Council Directive 2002/90/EC of 28 November 2002[1] and Council Framework Decision 2002/946/JHA of 28 November 2002[2]***. Council Framework Decision 2002/946/JHA provides for the possibility to accompany criminal penalties with the confiscation of the means of transport used to commit the offence, while clearly setting out at the same time that its provisions apply without prejudice to the protection afforded to refugees and asylum seekers in order to provide humanitarian assistance in accordance with international law. ***1. Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 17).***	or concern waste and residues produced in the context of drug production and trafficking. The facilitation of unauthorized entry and residence constitute a core business for organised criminal groups and is typically connected to the trafficking in human beings. ***The criminal offence of facilitating unauthorised entry and residence should be understood within the meaning of Council Directive 2002/90/EC of 28 November 20021 and Council Framework Decision 2002/946/JHA of 28 November 20022. Council Framework Decision 2002/946/JHA provides for the possibility to accompany criminal penalties with the confiscation of the means of transport used to commit the offence, while clearly setting out at the same time that its provisions apply without prejudice to the protection afforded to refugees and asylum seekers in order to provide humanitarian assistance in accordance with international law.]*** ***----------*** ***1. Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 17). 2. Council Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			2. Council Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 1).	***the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 1).*** related to Article 2 as recitals 9a and 10 ITM 8 27102023 ITM13 27112023
Recital 9a				
G 18a		***(9a) In addition to the crimes listed in Article 83(1) of the Treaty on the Functioning of the European Union and other crimes harmonised at EU level, organised criminal groups obtain extensive profits from other crimes such as counterfeiting and piracy of products, the illicit trafficking in cultural goods, organised or armed robberies, racketeering and extortion or tax crimes. Other crimes, like murder or kidnapping, do not only serve as source of additional revenue in contract killings or through the collection of ransom money but also as a means of exerting control over an illicit market and as a mechanism to intimidate opponents. Moreover, there are crimes like the forgery of administrative documents or the trafficking in stolen vehicles that not only generate financial gain but also enable other offences carried out by organised crime groups.***		***(9a) deletion*** new green line ITM 8 27102023 ITM13 27112023 G

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 10				
19	(10) Other crimes committed within the framework of a criminal organisation play a pivotal role in generating revenues and in enabling further crimes, including serious crimes with a cross-border nature. Such crimes should be included in the scope of the Directive to the extent to which they are committed within the framework of a criminal organisation. The counterfeiting and piracy of products is linked to money laundering and the forgery of documents, and threatens the functioning of the single market and fair competition. The illicit trafficking in cultural goods, including antiques and works of art, is often intertwined with money laundering and constitutes an important source of financing for organised criminal groups. Forgery of administrative documents and trafficking therein, including bank documents or identification documents, is a key enabling tool for money laundering, trafficking in human beings, or migrant smuggling, and should as such be covered in the scope of this Directive. Other crimes which are often carried out within the framework of an organised crime group include murder or grievous	(10) ~~*Other crimes committed within the framework of*~~***Apart from the mere participation in*** a criminal organisation ~~*play a pivotal role in generating revenues and in enabling further*~~***as defined in Article 2 of Council Framework Decision 2008/841/JHA, other*** crimes***, as defined in the national law of the Member States,***~~*, including serious crimes with a cross-border nature. Such crimes*~~ should be included in the scope of the Directive to the extent to which they are committed within the framework of a criminal organisation~~*. The counterfeiting and piracy of products is linked to money laundering and the forgery of documents, and threatens the functioning of the single market and fair competition. The illicit trafficking in cultural goods, including antiques and works of art, is often intertwined with money laundering and constitutes an important source of financing for organised criminal groups. Forgery of administrative documents and trafficking therein, including bank documents or identification documents, is a key enabling tool for money laundering, trafficking in human beings, or migrant smuggling, and should as such be*~~	(10) Other crimes committed within the framework of a criminal organisation play a pivotal role in generating revenues and in enabling further crimes, including serious crimes with a cross-border nature. Such crimes ***as defined in the national law of the Member States*** should be included in the scope of the Directive to the extent to which they are committed within the framework of a criminal organisation. The counterfeiting and piracy of products is linked to money laundering and the forgery of documents, and threatens the functioning of the single market and fair competition. The illicit trafficking in cultural goods, including antiques and works of art, is often intertwined with money laundering and constitutes an important source of financing for organised criminal groups. ***The same applies to the illegal trade and trafficking of endangered animal and plant species, including their body parts or products derived from them.*** Forgery of administrative documents and trafficking therein, including bank documents or identification documents, is a key enabling tool for money laundering, trafficking in human beings, or	(10) ~~*Other crimes committed within the framework of*~~***Apart from the offence of mere participation in*** a criminal organisation ~~*play a pivotal role in generating revenues and in enabling further crimes, including serious crimes with a cross-border nature. Such crimes*~~***as defined in Article 2 of Council Framework Decision 2008/841/JHA, other crimes, as referred to in Article 1(1) Council Framework Decision 2008/841/JHA and as defined in the national law of the Member States,*** should be included in the scope of the Directive to the extent to which they are committed within the framework of a criminal organisation~~*. The counterfeiting and piracy of products is linked to money laundering and the forgery of documents, and threatens the functioning of the single market and fair competition. The illicit trafficking in cultural goods, including antiques and works of art, is often intertwined with money laundering and constitutes an important source of financing for organised*~~***, as referred to in Article 1(1) of the of Council Framework and as defined in national law, with a view to capture illicit gain***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	bodily harm, as well as the illicit trade in human organs and tissue, which are a source of revenue for organised crime groups in the context of contract killings, intimidation and trafficking in human beings. Similarly kidnapping, illegal restraint or hostage taking, as well as racketeering and extortion, are utilized either as source of revenue through the collection of ransom money or as intimidation tactics against adversaries. The crime of organised or armed robbery is one of the most common forms to generate profits for organised criminal groups, and it is often committed in conjunction with other crimes, in particular the trafficking in firearms. Similarly, the trafficking in stolen vehicles cannot only generate profits but also represents an enabling crime to provide for the necessary instrumentalities to carry out further offences. In addition, it is key to include tax crimes to the extent it is committed as part of a criminal organisation in the scope of the Directive, as this specific crime is an enabling source of profits, especially when operating in a cross-border context. Typical techniques employed to commit tax fraud or evasion consist of making use of cross-border corporate structures or similar arrangements to fraudulently obtain tax benefits and refunds, hide	~~covered in the scope of this Directive. Other crimes which are often carried out within the~~**, as defined in Article 1 of Council** Framework ~~of an organised crime group include murder or grievous bodily harm, as well as the illicit trade in human organs and tissue, which are a source of revenue for organised crime groups in the context of contract killings, intimidation and trafficking in human beings. Similarly kidnapping, illegal restraint or hostage taking, as well as racketeering and extortion, are utilized either as source of revenue through the collection of ransom money or as intimidation tactics against adversaries. The crime of organised or armed robbery is one of the most common forms to generate profits for organised criminal groups, and it is often committed in conjunction with other crimes, in particular the trafficking in firearms. Similarly, the trafficking in stolen vehicles cannot only generate profits but also represents an enabling crime to provide for the necessary instrumentalities to carry out further offences. In addition, it is key to include tax crimes to the extent it is committed as part of a criminal organisation in the scope of the~~**Decision 2008/841/JHA, and punishable by deprivation of liberty**	migrant smuggling, and should as such be covered in the scope of this Directive. Other crimes which are often carried out within the framework of an organised crime group include murder or grievous bodily harm, as well as the illicit trade in human organs and tissue, which are a source of revenue for organised crime groups in the context of contract killings, intimidation and trafficking in human beings. Similarly kidnapping, illegal restraint or hostage taking, as well as racketeering and extortion, are utilized either as source of revenue through the collection of ransom money or as intimidation tactics against adversaries. The crime of organised or armed robbery is one of the most common forms to generate profits for organised criminal groups, and it is often committed in conjunction with other crimes, in particular the trafficking in firearms. Similarly, the trafficking in stolen vehicles cannot only generate profits but also represents an enabling crime to provide for the necessary instrumentalities to carry out further offences. In addition, it is key to include tax crimes to the extent it is committed as part of a criminal organisation in the scope of the Directive, as this specific crime is an enabling source of profits, especially when operating in a cross-	**stemming from** criminal ~~groups. Forgery of administrative documents and trafficking therein, including bank documents or identification documents, is a key enabling tool for money laundering, trafficking in human beings, or migrant smuggling, and should as such be covered in the scope of this Directive. Other crimes which are often carried out within the framework of an organised crime group include~~**activities typically carried out by criminal organisations. Member States are in this sense in particular encouraged to ensure that the crimes of counterfeiting and piracy of products, illicit trafficking in cultural goods, forgery of administrative documents and trafficking therein,** murder or grievous bodily ~~harm, as well as the~~ **injury,** illicit trade in human organs and tissue, ~~which are a source of revenue for organised crime groups in the context of contract killings, intimidation and trafficking in human beings. Similarly~~ kidnapping, illegal restraint or ~~hostage taking, as well as racketeering and extortion, are utilized either as source of revenue through the collection of ransom money or as intimidation tactics against adversaries. The crime of~~ **hostage-taking,** organised or armed robbery ~~is one of the most~~

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	assets or profits, merge legal with illicit profits and assets or to transfer them to other entities abroad to disguise their origins or (beneficial) ownership.	***of a maximum of at least four years. This*** Directive~~, as this specific crime is an enabling source of profits, especially when operating in a cross-border context. Typical techniques employed to commit tax fraud or evasion consist of making use of cross-border corporate structures or similar arrangements to fraudulently obtain tax benefits and refunds, hide assets or profits, merge legal with illicit profits and assets or to transfer them to other entities abroad to disguise their origins or (beneficial) ownership~~ ***does not oblige a Member State to introduce or maintain any offence***.	border context. Typical techniques employed to commit tax fraud or evasion consist of making use of cross-border corporate structures or similar arrangements to fraudulently obtain tax benefits and refunds, hide assets or profits, merge legal with illicit profits and assets or to transfer them to other entities abroad to disguise their origins or (beneficial) ownership. ***It is also important to include within the scope of this Directive the offences listed in article 3 paragraph 1 of the Regulation (EU) 2018/1805 of the European Parliament and of the Council[1]***. In particular, this Directive should also apply to crimes within the jurisdiction of the International Criminal Court. ***1. Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders (OJ L 303, 28.11.2018, p. 1).***	~~common forms to generate profits for organised criminal groups, and it is often committed in conjunction with other crimes, in particular the trafficking in firearms. Similarly, the~~ ***, racketeering and extortion,*** trafficking in stolen vehicles***, tax crimes relating to direct taxes and indirect taxes, arson, fraud and swindling, illicit trafficking in nuclear or radioactive materials and crimes which fall within the jurisdiction of the International Criminal Court are included*** ~~cannot only generate profits but also represents an enabling crime to provide for the necessary instrumentalities to carry out further offences. In addition, it is key to include tax crimes to the extent it is committed as part of a criminal organisation~~ in the scope of the Directive~~, as this specific crime is an enabling source of profits, especially when operating in a cross-border context. Typical techniques employed to commit tax fraud or evasion consist of making use of cross-border corporate structures or similar arrangements to fraudulently obtain tax benefits and refunds, hide assets or profits, merge legal with illicit profits and assets or to transfer them to other entities abroad to disguise their origins or (beneficial) ownership~~***. This Directive does however not oblige a***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Member State to introduce or maintain any offence. new green line ITM 7 13102023 ITM 8 27102023
Recital 11				
20	(11) [In order to ensure the effective implementation of Union restrictive measures, it is necessary to extend the scope of the Directive to the violation of Union restrictive measures].	(11) [In order to ensure the effective implementation of Union restrictive measures, it is necessary to extend the scope of the Directive to ***criminal offences covered by the Directive of the European Parliament and of the Council on the definition of criminal offences and penalties for*** the violation of Union restrictive measures].	(11) [In order to ensure the effective implementation of Union restrictive measures, it is necessary to extend the scope of the Directive to the violation of Union restrictive measures].	(11) [In order to ensure the effective implementation of Union restrictive measures, it is necessary to extend the scope of the Directive to ***criminal offences covered by the Directive of the European Parliament and of the Council on the definition of criminal offences and penalties for*** the violation of Union restrictive measures]. new green line Text Origin: Council Mandate ITM13 27112023
Recital 12				
21	(12) In order to capture property which might be transformed and transferred in order to conceal its origin, and in order to ensure harmonisation and clarity of definitions across the Union, property that can be subject to freezing and confiscation should be defined broadly. It should cover	(12) In order to capture property which might be transformed and transferred in order to conceal its origin, and in order to ensure harmonisation and clarity of definitions across the Union, property that can be subject to freezing and confiscation should be defined broadly. It should cover	(12) In order to capture property which might be transformed and transferred in order to conceal its origin, and in order to ensure harmonisation and clarity of definitions across the Union, property that can be subject to freezing and confiscation should be defined broadly. It should cover	(12) In order to capture property which might be transformed and transferred in order to conceal its origin, and in order to ensure harmonisation and clarity of definitions across the Union, property that can be subject to freezing and confiscation should be defined broadly. It should cover

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	legal documents or instruments evidencing title or interest in property subject to freezing and confiscation including, for example, financial instruments, or documents that may give rise to creditor claims and are normally found in the possession of the person affected by the relevant procedures, as well as trusts. This Directive is without prejudice to the existing national procedures for keeping legal documents or instruments evidencing title or interest in property, as they are applied by the competent national authorities or public bodies in accordance with national law. The definition should cover all forms of property, including crypto assets.	legal documents or instruments evidencing title or interest in property subject to freezing and confiscation including, for example, financial instruments, or documents that may give rise to creditor claims and are normally found in the possession of the person affected by the relevant procedures, as well as trusts. This Directive is without prejudice to the existing national procedures for keeping legal documents or instruments evidencing title or interest in property, as they are applied by the competent national authorities or public bodies in accordance with national law. The definition should cover all forms of property, including crypto assets.	legal documents or instruments***, in any form, including in electronic or digital form*** evidencing title or interest in property subject to freezing and confiscation including, for example, financial instruments, or documents that may give rise to creditor claims and are normally found in the possession of the person affected by the relevant procedures, as well as trusts. This Directive is without prejudice to the existing national procedures for keeping legal documents or instruments evidencing title or interest in property, as they are applied by the competent national authorities or public bodies in accordance with national law. The definition should cover all forms of property, including crypto assets.	legal documents or instruments***, in any form, including in electronic or digital form*** evidencing title or interest in property subject to freezing and confiscation including, for example, financial instruments, or documents that may give rise to creditor claims and are normally found in the possession of the person affected by the relevant procedures, as well as trusts. This Directive is without prejudice to the existing national procedures for keeping legal documents or instruments evidencing title or interest in property, as they are applied by the competent national authorities or public bodies in accordance with national law. The definition should cover all forms of property, including crypto assets. new green line Text Origin: EP Mandate ITM13 27112023
Recital 13				
22	(13) In order to capture property which might be transformed and transferred in order to conceal its origin, and in order to ensure harmonisation and clarity of definitions across the Union, a broad definition of proceeds of crime should be provided for, to include	(13) In order to capture property which might be transformed and transferred in order to conceal its origin, and in order to ensure harmonisation and clarity of definitions across the Union, a broad definition of proceeds of crime should be provided for, to include	(13) In order to capture property which might be transformed and transferred in order to conceal its origin, and in order to ensure harmonisation and clarity of definitions across the Union, a broad definition of proceeds of crime should be provided for, to include	(13) In order to capture property which might be transformed and transferred in order to conceal its origin, and in order to ensure harmonisation and clarity of definitions across the Union, a broad definition of proceeds of crime should be provided for, to include

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	the direct proceeds from criminal activity and all indirect benefits, including subsequent reinvestment or transformation of direct proceeds, in line with the definitions of Regulation (EU) 2018/1805 of the European Parliament and of the Council[1]. Thus proceeds should include any property including that which has been transformed or converted, fully or in part, into other property, and that which has been intermingled with property acquired from legitimate sources, up to the assessed value of the intermingled proceeds. It should also include the income or other benefits derived from proceeds of crime, or from property into or with which such proceeds have been transformed, converted or intermingled. _____ 1. Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders (OJ L 303, 28.11.2018, p. 1).	the direct proceeds from criminal activity and all indirect benefits, including subsequent reinvestment or transformation of direct proceeds, in line with the definitions of Regulation (EU) 2018/1805 of the European Parliament and of the Council[1]. Thus proceeds should include any property including that which has been transformed or converted, fully or in part, into other property, and that which has been intermingled with property acquired from legitimate sources, up to the assessed value of the intermingled proceeds. It should also include the income or other benefits derived from proceeds of crime, or from property into or with which such proceeds have been transformed, converted or intermingled. _____ 1. Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders (OJ L 303, 28.11.2018, p. 1).	the direct proceeds from criminal activity and all indirect benefits, including subsequent reinvestment or transformation of direct proceeds, in line with the definitions of Regulation (EU) 2018/1805 of the European Parliament and of the Council[1]. Thus proceeds should include any property including that which has been transformed or converted, fully or in part, into other property, and that which has been intermingled with property acquired from legitimate sources, up to the assessed value of the intermingled proceeds. It should also include the income or other benefits derived from proceeds of crime, or from property into or with which such proceeds have been transformed, converted or intermingled. _____ 1. Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders (OJ L 303, 28.11.2018, p. 1).	the direct proceeds from criminal activity and all indirect benefits, including subsequent reinvestment or transformation of direct proceeds, in line with the definitions of Regulation (EU) 2018/1805 of the European Parliament and of the Council[1]. Thus proceeds should include any property including that which has been transformed or converted, fully or in part, into other property, and that which has been intermingled with property acquired from legitimate sources, up to the assessed value of the intermingled proceeds. It should also include the income or other benefits derived from proceeds of crime, or from property into or with which such proceeds have been transformed, converted or intermingled. _____ 1. Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders (OJ L 303, 28.11.2018, p. 1). new green line Text Origin: Commission Proposal ITM13 27112023
Recital 14				
23	(14) In order to facilitate cross-	(14) In order to facilitate cross-	(14) In order to facilitate cross-	(14) ~~*In order to facilitate cross-*~~

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	border cooperation, the tracing and identification of property at an early stage of a criminal investigation is of essence to ensure the prompt identification of instrumentalities, proceeds, or property, which might be subsequently confiscated, including property related to criminal activities located in other jurisdictions. To ensure that financial investigations are sufficiently prioritised in all Member States, so to address a crime of cross-border nature, it is necessary to require competent authorities to launch asset tracing from the moment there is a suspicion of criminal activities that are likely to generate substantial economic benefits.	border cooperation, ***but not limited to cross-border cases,*** the tracing and identification of property at an early stage of a criminal investigation is of essence to ensure the prompt identification of instrumentalities, proceeds, or property, which might be subsequently confiscated, including property related to criminal activities located in other jurisdictions. To ensure that financial investigations are sufficiently prioritised in all Member States, so to address a crime of cross-border nature, it is necessary to require competent authorities to launch asset tracing from the moment there is a suspicion of criminal activities that are likely to generate substantial economic benefits***, unless in the individual case this is not considered appropriate in light of the type of offence and other relevant circumstances. When implementing the Directive, Member States should have a choice between allowing for a case-by-case assessment by competent authorities and setting a threshold for the value linked to the criminal offence. Member States will organise the asset tracing investigations in accordance with national law and may determine which competent authorities should be responsible for carrying out the***	border cooperation, the tracing and identification of property at an early stage of a criminal investigation is of essence to ensure the prompt identification of instrumentalities, proceeds, or property, which might be subsequently confiscated, including property related to criminal activities located in other jurisdictions. To ensure that financial investigations are sufficiently prioritised in all Member States, ~~*so*~~ to address a crime of cross-border nature, it is necessary to require competent authorities to launch asset tracing from the moment there is a suspicion of criminal activities that are likely to generate substantial economic benefits. ***It is possible that financial investigations also include minimum thresholds for the value of instrumentalities, proceeds or property related to the criminal offence triggering the initiation of asset tracing investigations. All Member States should therefore have an effective set of procedures for the freezing, management and confiscation of criminal assets that is underpinned by the necessary institutional, financial and human resources.***	~~*border cooperation,*~~ The tracing and identification of property at an early stage of a criminal investigation is of essence to ensure the prompt identification of instrumentalities, proceeds, or property, which might be subsequently confiscated, including property related to criminal activities located in other jurisdictions***, thereby facilitating cross-border cooperation***. To ensure that financial investigations are sufficiently prioritised in all Member States, so to address a crime of cross-border nature, it is necessary to require competent authorities to launch asset tracing from the moment there is a suspicion of criminal activities that are likely to generate substantial economic benefits. ***When determining whether the economic benefits are likely to be substantial, Member States may set minimum thresholds for the value of the expected proceeds or allow for a case-by-case assessment by competent authorities. In order to allow for sufficient flexibility in the launching of financial investigations, Member States may limit the scope to investigations into offences likely to have been committed within the framework of a criminal organisation. For the purpose of ensuring effective financial investigations, Member***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		asset tracing investigations in which case. Asset recovery offices should be able to coordinate and support asset tracing investigations and cross-border requests for asset tracing investigations, where necessary.	PUBLIC	***States should provide the necessary financial, technical and human resources.*** new green line ITM10 11132023 ITM11 21112023 ITM13 27112023 ITM14 05122023
Recital 15				
R	24	(15) Investigations to trace and identify property should also be launched where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures. For that purpose, asset recovery offices should be empowered to trace and identify property of persons or entities subject to targeted financial sanctions. Once property is identified asset recovery offices should have the power to temporarily freeze the property to ensure that property does not disappear.	(15) ~~*Investigations to trace and identify property should also be launched where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures. For that purpose,*~~ ***In order to facilitate cross-border action as well as national support, Member States could consider staffing the*** asset recovery offices ~~*should be empowered to trace and identify property of persons or entities subject to targeted financial sanctions. Once property is identified asset recovery*~~***with representatives, in the same or separate*** offices ~~*should have the power to temporarily freeze the property to ensure that property does not disappear*~~***, from both law enforcement and judicial authorities***.	(15) Investigations to trace and identify property should also be launched where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures. For that purpose, asset recovery offices should be empowered to trace and identify property of persons or entities subject to targeted financial sanctions. Once property is identified asset recovery offices should have the power to temporarily freeze the property to ensure that property does not disappear.	(15) ~~*Investigations to trace and identify property should also be launched where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures. For that purpose,*~~ ***In order to facilitate cross-border action as well as national support, Member States could consider staffing the*** asset recovery offices ~~*should be empowered to trace and identify property of persons or entities subject to targeted financial sanctions. Once property is identified asset recovery*~~***with representatives, in the same or separate*** offices ~~*should have the power to temporarily freeze the property to ensure that property does not disappear*~~***, from both law enforcement and judicial authorities***. related to Art5(3)

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			PUBLIC	COM proposal (07/12): To ensure the effective application of Union restrictive measures, the Union has established common minimum rules concerning the definitions of criminal conduct violating prohibitions and obligations included in Union restrictive measures. Considering the complex schemes use to transfer or conceal property in order to evade Union restrictive measures, it is important to empower asset recovery offices to trace and identify property of persons and entities subject to where necessary to facilitate the detection of criminal offences related to the violation of sanctions upon a request of national competent authorities based on indications and reasonable grounds to believe that such criminal offences have been committed. These powers should be without prejudice to the procedural requirements and safeguards established under national procedural law, including the rules on the initiation of criminal proceedings or, where necessary, the requirement to obtain a judicial authorisation. restrictive measures trilogue Text Origin: Council Mandate ITM16 07122023
Recital 15a				
G	24a			***(15a) Considering that the effective tracing and identification*** G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				of property might require tracing and identifying measures which would require the intervention of other authorities, it is important that AROs can request the relevant authorities to cooperate. The conditions for such requests would be subject to national law.Member States may include representatives from both law enforcement and judicial authorities in the staff of their asset recovery offices or may establish asset recovery offices both within the law enforcement and the judiciary related to Art5(2a) new green line ITM11 21112023 ITM13 27112023 ITM14 05122023
Recital 16				
G 25	(16) Due to the transnational nature of finances used by organised criminal groups, information that can lead to the identification of instrumentalities and proceeds of crime and other property owned or controlled by criminals or by persons or entities subject to Union restrictive measures should be exchanged rapidly between the	(16) Due to the transnational nature of finances used by organised criminal groups, information that can lead to the identification of instrumentalities and proceeds of crime and other property owned or controlled by criminals ~~*or by persons or entities subject to Union restrictive measures*~~ should be exchanged rapidly between the	(16) Due to the transnational nature of finances used by organised criminal groups, information that can lead to the identification of instrumentalities and proceeds of crime and other property owned or controlled by criminals or by persons or entities subject to Union restrictive measures should be exchanged rapidly between the	(16) Due to the transnational nature of finances used by organised criminal groups, information that can lead to the identification of instrumentalities and proceeds of crime and other property owned or controlled by criminals ~~*or by persons or entities subject to Union restrictive measures*~~ should be exchanged rapidly between the G

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	Member States. For that purpose, it is necessary to empower asset recovery offices to trace and identify property which might be subsequently confiscated, to ensure they have access to the necessary information under clear conditions, and to establish rules on swiftly exchanging information with each other, spontaneously or upon request. In urgent cases where there is a risk of dissipation of the property, replies to information should be done as soon as possible and not later than 8 hours.	Member States. For that purpose, it is necessary to empower asset recovery offices to trace and identify property which might be subsequently confiscated, to ensure they have access to the necessary information under clear conditions, and to establish rules on swiftly exchanging information with each other, spontaneously or upon request. In urgent cases where there is a risk of dissipation of the property, replies to information should be done as soon as possible and not later than 8 hours. ***The requirement for asset recovery offices to trace and identify instrumentalities, proceeds, or property which may become or is the object of a freezing or confiscation order issued by another Member State aims at facilitating the preparation or execution of freezing orders from other Member States, but does not imply an obligation to recognise such orders pursuant to Regulation (EU) 2018/1805.***	Member States. For that purpose, it is necessary to empower asset recovery offices to trace and identify property which might be subsequently confiscated, to ensure they have access to the necessary information under clear conditions, and to establish rules on swiftly exchanging information with each other, spontaneously or upon request. In urgent cases where there is a risk of dissipation of the property, replies to information should be done as soon as possible and not later than 8 hours.	Member States. For that purpose, it is necessary to empower asset recovery offices to trace and identify property which might be subsequently confiscated, to ensure they have access to the necessary information under clear conditions, and to establish rules on swiftly exchanging information with each other, spontaneously or upon request. In urgent cases where there is a risk of dissipation of the property, replies to information should be done as soon as possible and not later than 8 hours. ***The requirement for asset recovery offices to trace and identify instrumentalities, proceeds, or property which may become or is the object of a freezing or confiscation order issued by another Member State aims at facilitating the preparation or execution of freezing orders from other Member States, but does not imply an obligation to recognise such orders pursuant to Regulation (EU) 2018/1805.*** new green line Text Origin: Council Mandate ITM13 27112023 ITM15 06122023
Recital 17				
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	(17) In order to perform effective asset tracing investigations, and to swiftly respond to cross-border requests, asset recovery offices should have access to the information that allows them to establish the existence, ownership or control of property that may become object of a freezing or a confiscation order. Therefore, asset recovery offices should have access to the relevant data such as fiscal data, national citizenship and population registries, commercial databases and social security information. This should include law enforcement information in so far as data such as criminal records, vehicles stops, property searches and previous legal actions such as freezing and confiscation orders or seizures of cash can be of value to identify relevant property. Access to information should be subject to specific safeguards that prevent the misuse of the access rights. These safeguards should be without prejudice to Article 25 of Directive (EU) 2016/680 of the European Parliament and of the Council[1]. The direct and immediate access to this information does not prevent Member States from making access subject to procedural safeguards as established under national law while taking due account of the need for asset recovery offices to be able to	(17) In order to perform effective asset tracing investigations, and to swiftly respond to cross-border requests, asset recovery offices should have access to the information***, in so far as it is necessary for the tracing and identification of proceeds, instrumentalities and property,*** that allows them to establish the existence, ownership or control of property that may become object of a freezing or a confiscation order. Therefore, asset recovery offices should have access to the relevant data***. . As a general rule, Member States should be obliged to provide asset recovery offices swift access to relevant categories of*** ~~*such as fiscal*~~ data, ~~*national citizenship and population registries, commercial databases and*~~ ***either through direct and immediate access to registers or databases or by other means, such as by making a request to the institution holding the information. Access and searches shall be considered to be direct and immediate, inter alia, where the national authorities operating a registry transmit information expeditiously by an automated mechanism to competent authorities, provided that no intermediary institution is able to interfere with the requested data or the information to be provided.***	(17) In order to perform effective asset tracing investigations, and to swiftly respond to cross-border requests, asset recovery offices should have access ***direct*** to the information that allows them to establish the existence, ownership or control of property that may become object of a freezing or a confiscation order. Therefore, asset recovery offices should have access to the relevant data such as fiscal data, national citizenship and population registries, commercial databases and social security information. This should include law enforcement information in so far as data such as criminal records, vehicles stops, property searches and previous legal actions such as freezing and confiscation orders or seizures of cash can be of value to identify relevant property. ***To the extent possible and where such information is contained in databases and automated systems, such access should be direct and immediate. Where an additional intervention to make such information available is required in order to provide access, the competent authorities should provide such information swiftly in order to allow the asset recovery offices to perform their tasks under this Directive effectively.*** Access to information should be subject to	(17) ***(17)*** In order to perform effective asset tracing investigations, and to swiftly respond to cross-border requests, asset recovery offices should have access to the information that allows them to establish the existence, ownership or control of property that may become object of a freezing or a confiscation order. Therefore, asset recovery offices should have ***immediate and direct*** access to ~~*the*~~ relevant data such as ~~*fiscal data*~~***real estate information***, national citizenship and population registries, commercial databases and ~~*social security*~~***vehicle databases in addition to the access that asset recovery offices should have to bank account information pursuant to Directive (EU) 2019/1153 of the European Parliament and of the Council[2] and to beneficial ownership*** information ***pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council[3]. Access and searches shall be considered to be direct and immediate, inter alia, where the national authorities operating a registry transmit***~~*. This should include law enforcement*~~ information ~~*in so far as data such as criminal records, vehicles stops, property*~~

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	swiftly reply to cross-border requests. The implementation of the procedural safeguards for access to databases should not affect the ability of asset recovery offices to respond to requests from other Member States, especially in case of urgent requests. Access to relevant databases and registries under this Directive should complement access to bank account information pursuant to Directive (EU) 2019/1153 of the European Parliament and of the Council[2] and to beneficial ownership information pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council[3]. _____ 1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89). 2. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA (OJ L 186, 11.7.2019, p. 122). 3. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money	***Regarding certain categories of typically sensitive information – fiscal data, national*** social security ***data and law enforcement*** information~~. This~~ ***– Member States*** should ~~*include law enforcement*~~***give asset recovery offices swift access to the*** information in ***accordance with national law and in*** so far as ~~*data such as criminal records, vehicles stops,*~~***it is necessary for the tracing and identification of proceeds, instrumentalities and*** property***. They should be able to give such access on the basis of reasoned requests which they should be able to deny under certain conditions. Thereby Member States can take into account proportionality, the type of data or other*** ~~*searches and previous legal actions such as freezing and confiscation orders or seizures of cash can be of value to identify*~~ relevant ~~*property.*~~ ***circumstances. It is recalled this Directive establishes minimum rules and that Member States, on a national level, have the possibility to give asset recovery offices access to more information, such as employment data or bank account information, such as balance and transaction data.*** Access to information should be subject to specific safeguards that prevent the misuse of the access rights~~. These safeguards should be~~	specific safeguards that prevent the misuse of the access rights. These safeguards should be without prejudice to Article 25 of Directive (EU) 2016/680 of the European Parliament and of the Council[1]. The direct and immediate ***and indirect*** access to this information does not prevent Member States from making access subject to procedural safeguards as established under national law ***including a requirement making such access subject to a court authorisation*** while taking due account of the need for asset recovery offices to be able to swiftly reply to cross-border requests. ***Requests for information can be refused by asset recovery offices when satisfying those requests would entail a manifest breach of a relevant fundamental rights as set out in the Charter of Fundamental Rights of the European Union, in particular the right to a fair trial or the right to defence.*** The implementation of the procedural safeguards for access to databases should not affect the ability of asset recovery offices to respond to requests from other Member States, especially in case of urgent requests. _Access to relevant databases and registries under this Directive should complement access to bank account information pursuant to Directive	~~*searches and previous legal actions such as freezing and confiscation orders or seizures of cash*~~***expeditiously by an automated mechanism to competent authorities, provided that no intermediary institution is able to interfere with the requested data or the information to be provided. Moreover, Member States shall ensure that asset recovery offices have swift access, either directly and immediately or upon request, to other information which*** can be of value to identify relevant property***, such as information on mortgages and loans, customs data or information on wire-transfers and accounts balances, as well as fiscal data, social security data andlaw enforcement information. As regard fiscal data, national social security data and law enforcement information, Member States may decide to give asset recovery offices access to this information on the basis of reasoned requests, and may enable the authorities holding such information to deny access to it under certain conditions, in order to ensure the integrity of investigations, the confidentiality of information provided by another Member State or third country as well as***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	laundering or terrorist financing, as amended by Directive (EU) 2018/843 (OJ L 141 5.6.2015, p. 73).	~~without prejudice to~~, ***including the requirements relating to logging in accordance with*** Article 25 of Directive (EU) 2016/680 of the European Parliament and of the Council[1]. The direct and immediate access to this information does not prevent Member States from making access subject to procedural safeguards as established under national law while taking due account of the need for asset recovery offices to be able to swiftly reply to cross-border requests. The implementation of the procedural safeguards for access to databases should not affect the ability of asset recovery offices to respond to requests from other Member States, especially in case of urgent requests. Access to relevant databases and registries under this Directive should complement access to bank account information pursuant to Directive (EU) 2019/1153 of the European Parliament and of the Council[2] and to beneficial ownership information pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council[3]. ***This Directive should also be considered as lex specialis in relation to [Directive on exchange of information between law enforcement, PCC…].*** 1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons	(EU) 2019/1153 of the European Parliament and of the Council[2] and to beneficial ownership information pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council[3]. 1. ***[1]*** Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89). 2. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA (OJ L 186, 11.7.2019, p. 122). 3. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as amended by Directive (EU) 2018/843 (OJ L 141 5.6.2015, p. 73).	***the proportionality of the requests in relation to the legitimate interests of a natural or legal person.*** ~~–~~Access to information should be subject to specific safeguards that prevent the misuse of the access rights. These safeguards ~~*should be without prejudice*~~***complement the requirements to provide for logs of searches and access to information pursuant*** to Article 25 of Directive (EU) 2016/680 of the European Parliament and of the Council[1]~~. The direct and immediate~~***. The*** access to this information does not prevent Member States from making access subject to procedural safeguards as established under national law while taking due account of the need for asset recovery offices to be able to swiftly reply to cross-border requests. The implementation of the procedural safeguards for ~~*access to databases*~~***obtaining relevant information*** should not affect the ability of asset recovery offices to respond to requests from other Member States, especially in case of urgent requests. ~~*Access to relevant databases and registries under this Directive should complement access to bank account information pursuant to Directive (EU) 2019/1153 of the European Parliament and of the Council*~~[2] ~~*and*~~

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89). 2. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA (OJ L 186, 11.7.2019, p. 122). 3. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as amended by Directive (EU) 2018/843 (OJ L 141 5.6.2015, p. 73).	PUBLIC	~~*to beneficial ownership information pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council*~~[3]. ~~*1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).*~~ ~~*2. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA (OJ L 186, 11.7.2019, p. 122).*~~ ~~*3. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as amended by Directive (EU) 2018/843 (OJ L 141 5.6.2015, p. 73).*~~ EP proposal: In exceptional cases, it might be objectively justified for Asset Recovery Offices to refuse to provide information to another requesting asset recovery office. In order to ensure the effective functioning of the system created by this Directive in full compliance with the rule of law, those cases should be specified exhaustively

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				and interpreted restrictively. However, in order to ensure compliance with the principles of necessity and proportionality, there should be safeguards against any misuse of requests for information, including where it would entail manifest breaches of fundamental rights. The Member States, as an expression of their general due diligence, should therefore always verify the compliance of requests submitted to them under this Directive with the principles of necessity and proportionality and should refuse those requests they find to be non-compliant. Related to Article 9(6). Commission to propose a new wording on the recital in line with the Council's request (see comment to the article)> COM proposal:(17) In order to perform effective asset tracing investigations, and to swiftly respond to cross-border requests, asset recovery offices should have access to the information that allows them to establish the existence, ownership or control of property that may become object of a freezing or a confiscation order. Therefore, asset recovery offices should have immediate and direct access to relevant data such as real estate information, national citizenship and population registries, commercial databases and vehicle databases in addition to the access that asset recovery offices should have to bank account information pursuant to

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				Directive (EU) 2019/1153 of the European Parliament and of the Council2 and to beneficial ownership information pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council3. Access and searches shall be considered to be direct and immediate, inter alia, where the national authorities operating a registry transmit information expeditiously by an automated mechanism to competent authorities, provided that no intermediary institution is able to interfere with the requested data or the information to be provided. Moreover, Member States shall ensure that asset recovery offices have swift access, either directly and immediately or upon request, to other information which can be of value to identify relevant property, such as information on mortgages and loans, customs data or information on wire-transfers and accounts balances, as well as fiscal data, social security data and law enforcement information. As regard fiscal data, national social security data and law enforcement information, Member States may decide to give asset recovery offices access to this information on the basis of reasoned requests, and may enable the authorities holding such information to deny access to it under certain conditions, in order to ensure the integrity of investigations, the confidentiality of information provided by another Member State or third country as well as the proportionality of

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				the requests in relation to the legitimate interests of a natural or legal person. Access to information should be subject to specific safeguards that prevent the misuse of the access rights. These safeguards complement the requirements to provide for logs of searches and access to information pursuant to Article 25 of Directive (EU) 2016/680 of the European Parliament and of the Council1. The access to this information does not prevent Member States from making access subject to procedural safeguards as established under national law while taking due account of the need for asset recovery offices to be able to swiftly reply to cross-border requests. The implementation of the procedural safeguards for obtaining relevant information should not affect the ability of asset recovery offices to respond to requests from other Member States, especially in case of urgent requests. Council to revert ITM11 21112023 ITM13 27112023
Recital 18				
G 27	(18) To ensure the security of the information shared between asset recovery offices, the use of the Secure Information Exchange Network Application (SIENA), managed by Europol in accordance	(18) To ensure the security of the information shared between asset recovery offices, ~~the use of~~ ***all asset recovery offices should be able to directly access*** the Secure Information Exchange Network	(18) To ensure the security of the information shared between asset recovery offices, the use of the Secure Information Exchange Network Application (SIENA), managed by Europol in accordance	(18) ***[(18)*** To ensure the security of the information shared between asset recovery offices, ~~the use of~~***all asset recovery offices should be able to directly access*** the Secure Information Exchange Network G

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	with Regulation (EU) 2016/794 of the European Parliament and of the Council[1], should be mandatory for all communications among asset recovery offices under this Directive. Therefore, in order to be able to fulfil all the tasks assigned by this Directive, all asset recovery offices should be able to directly access SIENA. 1. Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).	Application (SIENA), managed by Europol in accordance with Regulation (EU) 2016/794 of the European Parliament and of the Council[1]***. The SIENA system or, where appropriate, other secure channels*** ~~,~~ should be ~~*mandatory*~~***used*** for all communications among asset recovery offices under this Directive. ~~*Therefore, in order to be able to fulfil all the tasks assigned by this Directive, all asset recovery offices*~~***It may be appropriate to use another secure channel for instance where the urgency of the request requires the temporary use of another communication channel or where the exchange of information requires the involvement of third countries or international organisations or there are objective reasons to believe that such involvement will be required at a later stage. The reference to the SIENA system*** should be ~~*able to directly access*~~***read as applying also to its successor, if the*** SIENA ***system is later replaced***. 1. Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).	with Regulation (EU) 2016/794 of the European Parliament and of the Council[1], should be mandatory for all communications among asset recovery offices under this Directive. Therefore, in order to be able to fulfil all the tasks assigned by this Directive, all asset recovery offices should ~~*be able to directly*~~***have direct*** access ***to*** SIENA. 1. Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).	Application (SIENA), managed by Europol in accordance with Regulation (EU) 2016/794 of the European Parliament and of the Council~~*1*~~, ***1. The SIENA system or, where necessary on an exceptional basis, other secure channels*** should be ~~*mandatory*~~***used*** for all communications among asset recovery offices under this Directive. ~~*Therefore, in order to be able to fulfil all the tasks assigned by this Directive, all asset recovery offices*~~***It may be necessary to use another secure channel in exceptional cases for instance where the urgency of the request requires the temporary use of another communication channel or where the exchange of information requires the involvement of third countries or international organisations or there are objective reasons to believe that such involvement will be required at a later stage. The reference to the SIENA system*** should be ~~*able to directly access*~~***read as applying also to its successor, if the*** SIENA ***system is later replaced.]*** ~~*1. Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).*~~

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				new green line ITM13 27112023 ITM15 06122023
Recital 18a				
27a				***(18a) (18a) Considering the speed at which criminals transfer across jurisdictions Member States shall ensure that asset recovery offices exchange swiftly information necessary for the performance of their tasks. In exceptional cases, it might be objectively justified for Asset Recovery Offices to refuse to provide information to another requesting asset recovery office if it would harm national security interests of the requested Member State, jeopardise ongoing investigations or criminal intelligence operations, pose an imminent threat to the life or physical integrity of a person or if it would clearly be disproportionate or irrelevant with regard to the purposes of which the information has been requested. When assessing the compliance with the principles of necessity and proportionality, asset recovery offices should exercise due***

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				diligence, ***including with regard to the respect of fundamental rights.*** COM proposal for recital 18a (NEW) (27/11) - related to Art9(6) COM proposal: Considering the speed at which criminals transfer across jurisdictions Member States shall ensure that asset recovery offices exchange swiftly information necessary for the performance of their tasks. In exceptional cases, it might be objectively justified for Asset Recovery Offices to refuse to provide information to another requesting asset recovery office if it would harm national security interests of the requested Member State, jeopardise ongoing investigations or criminal intelligence operations, pose an imminent threat to the life or physical integrity of a person or if it would clearly be disproportionate or irrelevant with regard to the purposes of which the information has been requested. . When assessing the order to ensure compliance with the principles of necessity and proportionality, asset recovery offices should exercise due diligence, including with regard to the respect of fundamental rights Council to revert ITM13 27112023 ITM16 07122023

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Recital 19				
28	(19) Freezing and confiscation under this Directive are autonomous concepts, which should not prevent Member States from implementing this Directive using instruments which, in accordance with national law, would be considered as sanctions or other types of measures.	(19) Freezing and confiscation under this Directive are autonomous concepts, which should not prevent Member States from implementing this Directive using instruments which, in accordance with national law, would be considered as sanctions or other types of measures.	(19) Freezing and confiscation under this Directive are autonomous concepts, which should not prevent Member States from implementing this Directive using instruments which, in accordance with national law, would be considered as sanctions or other types of measures.	(19) Freezing and confiscation under this Directive are autonomous concepts, which should not prevent Member States from implementing this Directive using instruments which, in accordance with national law, would be considered as sanctions or other types of measures. new green line Text Origin: Commission Proposal ITM13 27112023
Recital 20				
29	(20) Confiscation leads to the final deprivation of property. However, preservation of property can be a prerequisite to confiscation and is often essential for the effective enforcement of a confiscation order. Property is preserved by means of freezing. In order to prevent the dissipation of property before a freezing order can be issued, the competent authorities in the Member States, including asset recovery offices, should be empowered to take immediate action in order to secure such property.	(20) Confiscation leads to the final deprivation of property. However, preservation of property can be a prerequisite to confiscation and is often essential for the effective enforcement of a confiscation order. Property is preserved by means of freezing. In order to prevent the dissipation of property ~~*before a freezing order can be issued*~~, the competent authorities in the Member States~~*, including asset recovery offices,*~~ should be empowered to take immediate action in order to secure such property ***until a freezing order has been issued. This is for example of importance in the context of cross-border cooperation***.	(20) Confiscation leads to the final deprivation of property. However, preservation of property can be a prerequisite to confiscation and is often essential for the effective enforcement of a confiscation order. Property is preserved by means of freezing. In order to prevent the dissipation of property before a freezing order can be issued, the competent authorities in the Member States, including asset recovery offices, should be empowered to take immediate action in order to secure such property.	(20) Confiscation leads to the final deprivation of property. However, preservation of property can be a prerequisite to confiscation and is often essential for the effective enforcement of a confiscation order. Property is preserved by means of freezing. In order to prevent the dissipation of property~~*before a freezing order can be issued*~~, the competent authorities in the Member States, ~~*including*~~***which may include*** asset recovery offices, should be empowered to take immediate action***, which can take the form of an order,*** in order to secure such property ***until a freezing order has been issued. Given the exceptional***

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				nature of such action and the fact that there is no possibility to challenge immediate action if it does not take the form of a freezing order, Member States should limit its temporary validity. new green line ITM11 21112023 ITM13 27112023
Recital 20a				
G 29a		***(20a) Immediate action is a temporary urgent freezing measure, the form of which is not defined by this Directive. In accordance with national law, the immediate action may have the form of an order. National law may provide that following its validation or approval by a competent authority, the immediate action transforms into or is considered as a freezing order. National law may limit the temporary validity of the immediate action. In such cases, if by the expiration of this period neither the freezing order is issued nor is the immediate action validated or approved by the competent authority following which it transforms into or is considered as a freezing order, the effects of the immediate action cease and the temporarily frozen property should***		***(20a) In cases where the competent authorities are not able to take immediate action, Member States should allow asset recovery offices to take such action. Such action may in particular be necessary where an asset recovery office has, following a request from an asset recovery office in another Member State traced and identified assets that can disappear very quickly, such a crypto assets, and where the competent authorities in the requested Member States are not able to take immediate action in the absence of a criminal investigation in that Member State. AROs should be able to secure the assets until a European freezing order pursuant to...Regulation [regulation in mutual recognition of freezing and confiscation orders] can be issued.*** G

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		be returned.		new green line ITM11 21112023 ITM13 27112023 ITM15 06122023
Recital 20b				
29b		***(20b) This Directive leaves to Member States to determine which competent authorities should be empowered to take immediate action. Member States may enable asset recovery offices to take immediate action where necessary to preserve the property that they have traced and identified in the exercise of their tasks. This is for example of importance in the context of cross-border cooperation.***		***(20b) [deleted]*** COM proposal to not include Recital 20b in view of its proposal for Recital 20a. Related to Article 11(2). Council to revert ITM11 21112023 ITM13 27112023
Recital 21				
30	(21) Given the limitation on the right to property imposed by freezing orders, such provisional measures should not be maintained longer than necessary to preserve the availability of the property with a view to possible subsequent confiscation. This may require a review by the national court in order to ensure that the purpose of preventing the dissipation of property remains valid.	(21) Given the ***interference in*** ~~limitation on~~ the right to property ~~imposed~~ ***caused*** by freezing orders, such provisional measures should not be maintained longer than necessary to preserve the availability of the property with a view to possible subsequent confiscation. This may require a review by the national court in order to ensure that the purpose of preventing the dissipation of property remains valid.	(21) Given the limitation on the right to property imposed by freezing orders, such provisional measures should not be maintained longer than necessary to preserve the availability of the property with a view to possible subsequent confiscation. ~~This may require~~ A review by the national court ***should be ensured in case a freezing order has been taken by a competent authority other than a judicial authority*** in order to ensure that the	(21) Given the ***interference in*** ~~limitation on~~ the right to property ~~imposed~~ ***caused*** by freezing orders, such provisional measures should not be maintained longer than necessary to preserve the availability of the property with a view to possible subsequent confiscation. This may require a review by the national court in order to ensure that the purpose of preventing the dissipation of property remains valid.

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			purpose of preventing the dissipation of property remains valid.	new green line Text Origin: Council Mandate ITM13 27112023
Recital 22				
G 31	(22) Freezing measures should be without prejudice to the possibility for a specific property to be considered evidence throughout the proceedings, provided that it would ultimately be made available for effective execution of the confiscation order. In the context of criminal proceedings, property may also be frozen with a view to its possible subsequent restitution or in order to safeguard compensation for the damage caused by a criminal offence.	(22) Freezing measures should be without prejudice to the possibility for a specific property to be considered evidence throughout the proceedings, provided that it would ultimately be made available for effective execution of the confiscation order. In the context of criminal proceedings, property may also be frozen with a view to its possible subsequent restitution or in order to safeguard compensation for the damage caused by a criminal offence.	(22) Freezing measures should be without prejudice to the possibility for a specific property to be considered evidence throughout the proceedings, provided that it would ultimately be made available for effective execution of the confiscation order. In the context of criminal proceedings, property may also be frozen with a view to its possible subsequent restitution or in order to safeguard compensation for the damage caused by a criminal offence.	(22) Freezing measures should be without prejudice to the possibility for a specific property to be considered evidence throughout the proceedings, provided that it would ultimately be made available for effective execution of the confiscation order. In the context of criminal proceedings, property may also be frozen with a view to its possible subsequent restitution or in order to safeguard compensation for the damage caused by a criminal offence. Text Origin: Commission Proposal ITM13 27112023 G
Recital 22a				
G 31a		***(22a) Where the property to be frozen consists of entities that should be preserved as a going concern, such as undertakings, the freezing order may include measures to temporarily restrict the exercise of rights to this property by the persons owning or controlling***		***(22a) deleted*** related to recital 29 new green line ITM13 27112023 G

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		them while allowing for continued operations.		
Recital 23				
32	(23) In addition to confiscation measures that allow authorities to deprive criminals of the proceeds or instrumentalities directly stemming from crimes, following a final conviction, it is necessary to enable confiscation of property of equivalent value to such proceeds or instrumentalities in order to capture property of equivalent value to the proceeds and instrumentalities of a crime, whenever it is impossible to locate such proceeds and instrumentalities. Member States are free to define the confiscation of property of equivalent value as subsidiary or alternative to direct confiscation, as appropriate in accordance with national law.	(23) In addition to confiscation measures that allow authorities to deprive criminals of the proceeds or instrumentalities ~~*directly stemming from crimes, following*~~ ***, subject to*** a final conviction, it is necessary to enable confiscation of property of equivalent value to such proceeds or instrumentalities in order to capture property of equivalent value to the proceeds and instrumentalities of a crime, whenever it is impossible to ~~*locate*~~ ***confiscate*** such proceeds and instrumentalities. Member States are free to define the confiscation of property of equivalent value as subsidiary or alternative to ***confiscation of proceeds and instrumentalities*** ~~*direct confiscation*~~, as appropriate in accordance with national law.	(23) In addition to confiscation measures that allow authorities to deprive criminals of the proceeds or instrumentalities directly stemming from crimes, following a final conviction, it is necessary to enable confiscation of property of equivalent value to such proceeds or instrumentalities in order to capture property of equivalent value to the proceeds and instrumentalities of a crime, whenever it is impossible to locate such proceeds and instrumentalities. Member States are free to define the confiscation of property of equivalent value as subsidiary or alternative to direct confiscation, as appropriate in accordance with national law.	(23) In addition to confiscation measures that allow authorities to deprive criminals of the proceeds or instrumentalities ~~*directly stemming from crimes, following*~~ ***, subject to*** a final conviction, it is necessary to enable confiscation of property of equivalent value to such proceeds or instrumentalities in order to capture property of equivalent value to the proceeds and instrumentalities of a crime, whenever it is impossible to ~~*locate*~~ ***confiscate*** such proceeds and instrumentalities. Member States are free to define the confiscation of property of equivalent value as subsidiary or alternative to ***confiscation of proceeds and instrumentalities*** ~~*direct confiscation*~~, as appropriate in accordance with national law. new green line Text Origin: Council Mandate ITM 13 27112023
Recital 23a				
32a		***(23a) When implementing this Directive in respect of confiscation***		***(23a) When implementing this Directive in respect of confiscation***

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		of property the value of which corresponds to instrumentalities, the relevant provisions could be applicable where, in view of the particular circumstances of the case at hand, such a measure is proportionate, having regard in particular to the value of the instrumentalities concerned. Member States may also take into account whether and to what extent the convicted person is responsible for making the confiscation of the instrumentalities impossible.	PUBLIC	***of property the value of which corresponds to instrumentalities, the relevant provisions could be applicable where, in view of the particular circumstances of the case at hand, such a measure is proportionate, having regard in particular to the value of the instrumentalities concerned. Member States may also take into account whether and to what extent the convicted person is responsible for making the confiscation of the instrumentalities impossible.*** as in the former Directive from 2014 new green line Text Origin: Council Mandate ITM13 27112023 ITM15 06122023
Recital 24				
G 33	(24) The practice by a suspected or accused person of transferring property or proceeds to a knowing third party with a view to avoiding confiscation is common and widespread. Acquisition by a third party refers to situations where, for example, property has been acquired, directly or indirectly, for example through an intermediary, by the third party from a suspected or accused person, including when the	(24) The practice by a suspected or accused person of transferring property or proceeds to a knowing third party with a view to avoiding confiscation is common and widespread. Acquisition by a third party refers to situations where, for example, property has been acquired, directly or indirectly, for example through an intermediary, by the third party from a suspected or accused person, including when the	(24) The practice by a suspected or accused person of transferring property or proceeds to a knowing third party with a view to avoiding confiscation is common and widespread. Acquisition by a third party refers to situations where, for example, property has been acquired, directly or indirectly, for example through an intermediary, by the third party from a suspected, ***accused or convicted*** ~~*or accused*~~	(24) ***[***The practice by a suspected or accused person of transferring property or proceeds to a knowing third party with a view to avoiding confiscation is common and widespread. Acquisition by a third party refers to situations where, for example, property has been acquired, directly or indirectly, for example through an intermediary, by the third party from a suspected or accused person, including when the G

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	criminal offence has been committed on their behalf or for their benefit, and when an accused person does not have property that can be confiscated. Such confiscation should be possible in cases where it has been established that third parties knew or ought to have known that the purpose of the transfer or acquisition was to avoid confiscation, on the basis of concrete facts and circumstances, including that the transfer was carried out free of charge or in exchange for an amount significantly lower than the market value. The rules on third party confiscation should extend to both natural and legal persons, without prejudice to the right of third parties to be heard, including the right to claim ownership of the property concerned. In any event, the rights of bona fide third parties should not be affected.	criminal offence has been committed on their behalf or for their benefit, and when an accused person does not have property that can be confiscated. Such confiscation should be possible ***at least*** in cases where it has been established that third parties knew or ought to have known that the purpose of the transfer or acquisition was to avoid confiscation, on the basis of concrete facts and circumstances, including that the transfer was carried out free of charge or in exchange for an amount significantly lower than the market value. The rules on third party confiscation should extend to both natural and legal persons, without prejudice to the right of third parties to be heard, including the right to claim ownership of the property concerned. In any event, the rights of bona fide third parties should not be affected.	person, including when the criminal offence has been committed on their behalf or for their benefit, and when an accused person does not have property that can be confiscated. Such confiscation should be possible in cases where***, on the basis of concrete facts and circumstances of the case, a national court has*** ~~*it has been*~~ established that ***the instrumentalities, proceeds or property to be confiscated are derived from or directly or indirectly linked to a criminal offence and*** third parties knew or ~~*ought*~~***could be expected*** to have known that the purpose of the transfer or acquisition was to avoid confiscation~~*, on the basis of*~~ ***or that the transferred property was directly or indirectly linked to criminal conduct.*** Concrete facts and circumstances~~*, including*~~ ***could include*** that the transfer was carried out free of charge or in exchange for an amount significantly lower than the market value. The rules on third party confiscation should extend to both natural and legal persons, without prejudice to the right of third parties to be heard, including the right to claim ownership of the property concerned. ~~*In any event,*~~ The rights of bona fide third parties ***who have provided fair market-value consideration for the acquisition of the asset*** should not	criminal offence has been committed on their behalf or for their benefit, and when an accused person does not have property that can be confiscated. Such confiscation should be possible ***at least*** in cases where it has been established that third parties knew or ought to have known that the purpose of the transfer or acquisition was to avoid confiscation, on the basis of concrete facts and circumstances, including that the transfer was carried out free of charge or in exchange for an amount significantly ~~*lower than*~~***disproportionate to*** the market value***, that the property was transferred to closely related parties or that it remained under the effective control of the suspected or accused person. Transfers to closely related parties to the suspected or accused person could include transfers to family members or to natural persons who have legal arrangements, or any other close business relations, with the suspected or accused person; or to legal entities in which the suspected or accused person or a family member sits in the administrative, management or supervisory bodies***. The rules on third party confiscation should extend to both natural and legal persons, without prejudice to the right of third parties to be heard, including the right to claim

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			be affected. ***Such third parties should be given the opportunity to present their observations on the envisaged confiscation measure or be able to request the restitution of the property in court. However, taking into account that organised crime has developed considerable entrepreneurial ability over time, to launder the profits of criminal activities in the legal economy, by establishing fictitious companies and corporations, through the use of a figurehead, and considering the prevailing public interest in combating the criminal phenomenon compared to the need to protect the legal situations of persons unrelated to the confiscation and recovery procedure. Therefore, where the affected party is a closely related to the suspected, accused or convinced person, that affected party shall bear the burden of proof that the acquisition of the transferred property has taken place in bona fide and with due diligence***	ownership of the property concerned. In any event, the rights of bona fide third parties should ~~*not be affected*~~ ***be protected in accordance with national law****.]* new green line ITM 8 27102023 ITM10 13112023 ITM13 27112023 ITM14 05122023
Recital 24a				
G	33a			***(24a) [deleted*** new green line ITM11 21112023 ITM13 27112023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				ITM14 05122023
Recital 25				
34	(25) Criminal organisations engage in a wide range of criminal activities. In order to effectively tackle organised criminal activities, there may be situations where it is appropriate that a criminal conviction for a criminal offence that is liable to give rise to economic benefits be followed by the confiscation not only of property associated with a specific crime, including proceeds of crime or its instrumentalities, but also of additional property which the court determines as being derived from criminal conduct.	(25) Criminal organisations engage in a wide range of criminal activities. In order to effectively tackle organised criminal activities, there may be situations where it is appropriate that a criminal conviction for a criminal offence that is liable to give rise to economic benefits be followed by the confiscation not only of property associated with a specific crime, including proceeds of crime or its instrumentalities, but also of additional property which the court determines as being derived from criminal conduct. ***Such extended confiscation should be possible where a court is satisfied that the property in question is derived from criminal conduct, while there is no requirement of a conviction for such criminal conduct. The relevant conduct could consist of any type of offence. Individual offences do not have to be proven, but the court must be satified that the property in question is derived from such conduct. Member States may provide that it could, for example, be sufficient for the court to consider on the balance of probabilities, or to reasonably presume that it is substantially***	(25) Criminal organisations engage in a wide range of criminal activities. In order to effectively tackle organised criminal activities, there may be situations where it is appropriate that a criminal conviction for a criminal offence that is liable to give rise to economic benefits be followed by the confiscation not only of property associated with a specific crime, including proceeds of crime or its instrumentalities, but also of additional property which the court determines as being derived from criminal conduct.	(25) Criminal organisations engage in a wide range of criminal activities. In order to effectively tackle organised criminal activities, there may be situations where it is appropriate that a criminal conviction for a criminal offence that is liable to give rise to economic benefits be followed by the confiscation not only of property associated with a specific crime, including proceeds of crime or its instrumentalities, but also of additional property which the court determines as being derived from criminal conduct. ***Such extended confiscation should be possible where a court is satisfied that the property in question is derived from criminal conduct, while there is no requirement of a conviction for such criminal conduct. The relevant conduct could consist of any type of offence. Individual offences do not have to be proven, but the court must be satified that the property in question is derived from such conduct. Member States may provide that it could, for example, be sufficient for the court to consider on the balance of probabilities, or to reasonably presume that it is substantially***

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		more probable, that the property in question has been obtained from criminal conduct than from other activities. In this context, the court has to consider the specific circumstances of the case, including the facts and available evidence based on which a decision on extended confiscation could be issued. The fact that the property of the person is disproportionate to his lawful income could be among those facts giving rise to a conclusion of the court that the property derives from criminal conduct. Member States could also determine a requirement for a certain period of time during which the property could be deemed to have originated from criminal conduct.	PUBLIC	***more probable, that the property in question has been obtained from criminal conduct than from other activities. In this context, the court has to consider the specific circumstances of the case, including the facts and available evidence based on which a decision on extended confiscation could be issued. The fact that the property of the person is disproportionate to his lawful income could be among those facts giving rise to a conclusion of the court that the property derives from criminal conduct. Member States could also determine a requirement for a certain period of time during which the property could be deemed to have originated from criminal conduct.*** related to Article 14 (same wording as in Article 16) COM proposal (27/11): (25) Criminal organisations engage in a wide range of criminal activities. In order to effectively tackle organised criminal activities, there may be situations where it is appropriate that a criminal conviction for a criminal offence that is liable to give rise to economic benefits be followed by the confiscation not only of property associated with a specific crime, including proceeds of crime or its instrumentalities, but also of additional property which the court determines as

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			PUBLIC	being derived from criminal conduct. Such extended confiscation should be possible where a court is satisfied that the property in question is derived from criminal conduct, while there is no requirement of a conviction for such criminal conduct. The relevant conduct could consist of any type of offence but individual offences do not have to be proven. Member States may provide that it could, for example, be sufficient for the court to consider on the balance of probabilities, or to reasonably presume that it is substantially more probable, that the property in question has been obtained from criminal conduct than from other activities. In this context, the court has to consider the specific circumstances of the case, including the facts and available evidence based on which a decision on extended confiscation could be issued. The fact that the property of the person is disproportionate to his lawful income could be among those facts giving rise to a conclusion of the court that the property derives from criminal conduct. Member States could also determine a requirement for a certain period of time during which the property could be deemed to have originated from criminal conduct. EP to revert Council to revert Commission to revert Text Origin: Council Mandate
Recital 26				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 35	(26) Confiscation should also be possible where a court is satisfied that the instrumentalities, proceeds, or property in question is derived from criminal conduct but where a final conviction is not possible because of illness, absconding or death of the suspected or accused person, or because the suspected or accused person cannot be held liable because of immunity or amnesty as provided for under national law. The same should be possible where the time limits prescribed under national law have expired, where such time limits are not sufficiently long to allow for the effective investigation and prosecution of the relevant criminal offences. Confiscation in such cases should only be allowed where the national court is satisfied that all the elements of the offence are present. For reasons of proportionality, confiscating property without a prior conviction should be limited to cases of serious crimes. The right of the defendant to be made aware of the proceeding and to be represented by a lawyer should not be affected.	(26) Confiscation should also be possible ~~where a court is satisfied that the instrumentalities, proceeds, or property in question is derived from criminal conduct but~~ where a final conviction is not possible because of illness, absconding or death of the suspected or accused person~~, or because the suspected or accused person cannot be held liable because of immunity or amnesty as provided for under national law. The same~~ ***. The same should be possible where the limitation periods prescribed under national law for the relevant offences have expired after the criminal proceedings have been initiated. Confiscation in such cases*** should ***only be allowed*** ~~be possible~~ where the ~~time limits prescribed under national law have expired, where such time limits are not sufficiently long to allow for the effective investigation and prosecution~~***criminal proceedings could have led to a final criminal conviction should the circumstances above not have existed. The right of the defendant to be made aware*** of the ~~relevant criminal offences. Confiscation in such cases~~***proceeding and to be represented by a lawyer*** should ~~only be allowed where the national court is satisfied that all the elements of the offence are present. For reasons~~	(26) Confiscation should also be possible where a court is satisfied that the instrumentalities, proceeds, or property in question is derived from criminal conduct~~.~~ but where a final conviction is not possible because of illness, absconding or death of the suspected or accused person, or because the suspected or accused person cannot be held liable because of immunity or amnesty as provided for under national ***and international*** law. The same should be possible where the time limits prescribed under national law have expired, where such time limits are not sufficiently long to allow for the effective investigation and prosecution of the relevant criminal offences. ***In such cases, it is appropriate and proportionate to introduce a time limit of fifteen years. A number of Member States already have in place such non-conviction based confiscation tools, which have proven to be highly effective, especially when compared to traditional mechanisms of confiscation. Non-conviction based mechanisms for asset recovery have also long been recognised in key international treaties, including the UN Convention Against Corruption, and by standard-setting bodies such as the Financial Action Task Force (FATF). The 2005***	(26) ***(26) /***Confiscation should also be possible ~~where a court is satisfied that the instrumentalities, proceeds, or property in question is derived from criminal conduct but~~ where a final conviction is not possible because of illness, absconding or death of the suspected or accused person~~, or because the suspected or accused person cannot be held liable because of immunity or amnesty as provided for under national law. The same should be possible where the time limits prescribed under national law have expired, where such time limits are not sufficiently long to allow for the effective investigation and prosecution of the relevant criminal~~***. The same should be possible where the limitation periods prescribed under national law for the relevant offences are below 15 years and have expired after the criminal proceedings have been initiated. Confiscation in such cases should only be allowed where the criminal proceedings could have led to a final criminal conviction should the circumstances above not have existed at least for*** offences~~. Confiscation in such cases should only be allowed~~ ***liable to give rise, directly or indirectly, to substantial economic benefit, and*** where the ~~national~~ court is satisfied that ~~all the~~ G

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		~~of proportionality, confiscating property without a prior conviction~~**not be affected. In cases of illness and absconding, the existence of proceedings in absentia in Member States would be sufficient to comply with the obligation to enable confiscation as set out in the first sentence. When the suspected or accused person has absconded, Member States** should ~~be limited to cases of serious crimes. The right of the defendant to be~~**take all reasonable steps and may require that the person concerned be summoned to or** made aware of the ~~proceeding and to be represented by a lawyer should not be affected~~**confiscation proceedings. The Member States are encouraged to enable confiscation also where a final conviction is not possible because the suspected or accused person cannot be held liable because of amnesty granted before the final conviction as provided for under national law**.	**Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism calls on Parties to the Convention to assist other Parties in the execution of freezing and confiscation orders that are not based upon a criminal conviction. The Union-funded Camden Asset Recovery Inter-Agency Network has also issued several recommendations on non-conviction based confiscation.** Confiscation in such cases should only be allowed where the national court is satisfied that all the elements of the offence are present. For reasons of proportionality, confiscating property without a prior conviction should be limited to cases of serious crimes. **Confiscations that do not follow a conviction need to be in compliance with fundamental rights. In particular,** the right of the defendant to be made aware of the proceeding and to be represented by a lawyer should not be affected.	~~elements of the offence are present. For reasons of proportionality, confiscating property without a prior conviction should be limited to cases of serious crimes. The right of the defendant to be made aware~~**the instrumentalities, proceeds or property to be confiscated are derived from or directly or indirectly linked to the criminal offence. . In cases of illness and absconding, the existence of proceedings in absentia in Member States would be sufficient to comply with the obligation to enable confiscation as set out in the first sentence. It is important to recall that international bodies have indicated the potential** of the ~~proceeding and to be represented by a lawyer should not be affected~~**confiscation in absence of a conviction to address the obstacles to confiscation of illicit gains due to immunity and amnesty.]** Council to revert new green line Text Origin: Council Mandate ITM14 05122023
Recital 27				
G 36	(27) For the purposes of this Directive, illness should be understood to mean the inability of the suspected or accused person to	(27) For the purposes of this Directive, illness should be understood to mean the inability of the suspected or accused person to	(27) For the purposes of this Directive, illness should be understood to mean the inability of the suspected or accused person,	(27) For the purposes of this Directive, illness should be understood to mean the inability of the suspected or accused person to G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	attend the criminal proceedings for an extended period, as a result of which the proceedings cannot continue.	attend the criminal proceedings for an extended period, as a result of which the proceedings cannot continue. ***Cases, where illness only results in a temporary suspension of the criminal proceedings, which may continue after such suspension, are not concerned.***	***corroborated by an ascertainable medical report,*** to attend the criminal proceedings***, even remotely,*** for an extended period, as a result of which the proceedings cannot continue ***after a certain delay***.	attend the criminal proceedings for an extended period, as a result of which ***there is a risk that time limits laid down in national law for criminal liability expire*** the proceedings cannot continue. new green line TM5 15092023 ITM11 21112023
Recital 28				
37	(28) Due to the intrinsically opaque nature of organised crime, it is not always possible to link property derived from criminal activities to a specific criminal offence and confiscate such property. In such situations, confiscation should be possible under certain conditions including in particular: the property is frozen based on suspicion of crimes committed within the framework of a criminal organisation, these criminal offences are liable to give rise to substantial economic benefits and the court is satisfied that the frozen property is derived from criminal activities carried out within the framework of a criminal organisation. These conditions should ensure that confiscation of property not linked to a specific offence for which the owner has been convicted is limited	(28) Due to the intrinsically opaque nature of organised crime, it is not always possible to link property derived from criminal ~~activities~~ ***conduct*** to a specific criminal offence and confiscate such property. In such situations, ~~confiscation~~***it*** should be possible ~~under certain conditions including in particular:~~***to confiscate property when*** the property is ~~frozen based on suspicion of crimes committed within the framework of~~***identified in the context of an investigation in relation to*** a criminal ~~organisation, these criminal offences are liable to give rise to substantial economic benefits and the court is satisfied that the frozen property is derived from criminal activities carried out~~***offence and the court is satisfied that the property is derived from criminal conduct, at least where***	(28) Due to the intrinsically opaque nature of organised crime, it is not always possible to link property derived from criminal activities to a specific criminal offence and confiscate such property. ***Nevertheless, it should be possible to confiscate assets in order to disrupt criminal activities and to ensure that profits resulting from criminal activities are not reinvested into the licit economy.*** In such situations, confiscation should be possible under certain conditions including in particular: the property is frozen based on suspicion of crimes committed within the framework of a criminal organisation, these criminal offences are liable to give rise to substantial economic benefits and the court is satisfied that the frozen property is derived from criminal activities	(28) Due to the intrinsically opaque nature of organised crime, it is not always possible to link property derived from criminal ~~activities~~ ***conduct*** to a specific criminal offence and confiscate such property. In such situations, ~~confiscation~~***it*** should be possible ~~under certain conditions including in particular:~~***to confiscate property when*** the property is ~~frozen based on suspicion of crimes committed within the framework of~~***identified in the context of an investigation in relation to*** a criminal ~~organisation, these criminal offences are liable to give rise to substantial economic benefits and the court is satisfied that the frozen property is derived from criminal activities carried out~~***offence and the court is satisfied that the property is derived from criminal conduct, at least where***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	to criminal activities of criminal organisations that are serious in nature and liable to generate substantial benefits. When determining whether the offences are liable to give rise to significant benefits, Member States should take into account all relevant circumstances of the offence, including whether the criminal activities were committed with the intention to generate regular substantial profits. While it should not be a precondition for the national court to be satisfied that a criminal offence has been committed, the court must be satisfied that the property in question is derived from criminal offences. When determining whether or not the property in question derived from criminal activities, the national courts should take into account all relevant circumstances of the case, including the fact that the property is substantially disproportionate to the lawful income of the owner. Member States should then require and award an effective possibility for the owner of the property to prove that the property in question derives from lawful activities.	***this conduct is liable to give rise, directly or indirectly, to substantial economic benefit and committed*** within the framework of a criminal organisation. ~~*These conditions*~~***Member States*** should ~~*ensure that*~~***enable*** confiscation of ~~*property not linked to a specific offence for*~~***such unexplained wealth when the investigation in*** which the ~~*owner has been convicted is limited to criminal activities of criminal organisations that are serious in nature and liable to generate substantial benefits. When determining whether the offences are liable to give rise to significant benefits, Member States should take into account all relevant circumstances of the offence, including whether the criminal activities were committed with the intention to generate regular substantial profits. While it*~~***property was identified concerns an offence falling within the scope of this Directive that is punishable by deprivation of liberty of a maximum of at least four years. These conditions should ensure that confiscation of property not linked to a specific offence for which the owner has been convicted is limited to property stemming from criminal conduct that is serious in nature . Member States*** should ~~*not be a precondition for the national court*~~	carried out within the framework of a criminal organisation. These conditions should ensure that confiscation of property not linked to a specific offence for which the owner has been convicted is limited to criminal activities of criminal organisations that are serious in nature and liable to generate substantial benefits. When determining whether the offences are liable to give rise to significant benefits, Member States should take into account all relevant circumstances of the offence, including whether the criminal activities were committed with the intention to generate regular substantial profits. While it should not be a precondition for the national court to be satisfied that a criminal offence has been committed, the court must be satisfied that the property in question is derived from criminal offences. When determining whether or not the property in question derived from criminal activities, the national courts should take into account all relevant circumstances of the case, including the fact that the property is substantially disproportionate to the lawful income of the owner. Member States should then require and award an effective possibility for the owner of the property to prove that the property in question	***this conduct is liable to give rise, directly or indirectly, to substantial economic benefit and committed*** within the framework of a criminal organisation. ~~*These conditions*~~***Member States*** should ~~*ensure that*~~***enable*** confiscation of ~~*property not linked to a specific offence for*~~***such unexplained wealth when the investigation in*** which the ~~*owner has been convicted is limited to criminal activities of criminal organisations that are serious in nature and liable to generate substantial benefits. When determining whether the offences are liable to give rise to significant benefits, Member States should take into account all relevant circumstances of the offence, including whether the criminal activities were committed with the intention to generate regular substantial profits. While it*~~***property was identified concerns an offence falling within the scope of this Directive that is punishable by deprivation of liberty of a maximum of at least four years. These conditions should ensure that confiscation of property not linked to a specific offence for which the owner has been convicted is limited to property stemming from criminal conduct that is serious in nature . Member States*** should ~~*not be a precondition for the national court*~~

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		~~to be satisfied that a criminal offence has been committed, the court must be satisfied that the property in question is derived from criminal offences. When determining whether or not~~***be able to limit the confiscation of unexplained wealth by providing that such confiscation shall only be pursued where other forms of confiscatation are not possible, and, alternatively or cumulatively, where*** the property ~~in question derived from criminal activities, the national courts should take into account all relevant circumstances of the case, including the fact that the property is substantially disproportionate to the lawful income of the owner. Member States should then require and award an effective possibility for the owner of the property to prove that the property in question derives from lawful activities~~***to be confiscated has been frozen in the context of an investigation in relation to a criminal offence committed within the framework of a criminal organisation. Confiscation of unexplained wealth should not prejudice the rights of bona fide third parties***.	derives from lawful activities. ***In that context, FATF Recommendation 4 also states that countries should consider adopting measures which require an offender to demonstrate the lawful origin of the property alleged to be liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law.***	~~to be satisfied that a criminal offence has been committed, the court must be satisfied that the property in question is derived from criminal offences. When determining whether or not~~***be able to limit the confiscation of unexplained wealth by providing that such confiscation shall only be pursued where other forms of confiscatation are not possible, and, alternatively or cumulatively, where*** the property ~~in question derived from criminal activities, the national courts should take into account all relevant circumstances of the case, including the fact that the property is substantially disproportionate to the lawful income of the owner. Member States should then require and award an effective possibility for the owner of the property to prove that the property in question derives from lawful activities~~***to be confiscated has been frozen in the context of an investigation in relation to a criminal offence committed within the framework of a criminal organisation. Confiscation of unexplained wealth should not prejudice the rights of bona fide third parties***. related to Art16 Council to revert EP to revert Text Origin: Council Mandate

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 28a				
37a			***(28a) It should be possible to trace and identify property to be frozen and confiscated even after a final conviction for a criminal offence or following non-conviction based confiscation proceedings. However, that possibility should not prevent Member States from setting reasonable time limits after final convictions or final decisions in non-conviction based confiscation proceedings, following which it is no longer be possible to trace and identify such property.***	related to line 37h and related to Art17 COM to provide a new wording Commission to revert ITM13 27112023
Recital 28b				
37b		***(28-a) While it should not be a precondition for the national court to be satisfied that a specific criminal offence has been committed, there must be sufficient facts and circumstances for the court to be satisfied that the property in question is derived from criminal conduct . The relevant conduct could consist of any type of offence. Individual offences do not have to be proven, but the court must be satified that the property in question is derived from such conduct. Member States may provide that it could, for example,***		***(28-a) While it should not be a precondition for the national court to be satisfied that a specific criminal offence has been committed, there must be sufficient facts and circumstances for the court to be satisfied that the property in question is derived from criminal conduct . The relevant conduct could consist of any type of offence. Individual offences do not have to be proven, but the court must be satified that the property in question is derived from such conduct. Member States may provide that it could, for example,***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		be sufficient for the court to consider on the balance of probabilities, or to reasonably presume that it is substantially more probable, that the property in question has been obtained from such criminal conduct than from other activities. When determining whether or not the property in question derived from criminal conduct , the national courts should take into account all relevant circumstances of the case, including the available evidence and specific facts, such as that the value of the property is substantially disproportionate to the lawful income of the person . Another circumstance that could be considered is the absence of a plausible licit source of the property, as the provenance of lawfully acquired property can normally be accounted for. The person's connection to people linked to a criminal organisation could also be of relevance. The assessment should be made on a case-by-case basis depending on the circumstances of the case. The mechanism of confiscation of unexplained wealth is not intended to be used when in the individual case the application of the rules set out in the Directive would be manifestly unreasonable or disproportionate. Member States		***be sufficient for the court to consider on the balance of probabilities, or to reasonably presume that it is substantially more probable, that the property in question has been obtained from such criminal conduct than from other activities. When determining whether or not the property in question derived from criminal conduct , the national courts should take into account all relevant circumstances of the case, including the available evidence and specific facts, such as that the value of the property is substantially disproportionate to the lawful income of the person . Another circumstance that could be considered is the absence of a plausible licit source of the property, as the provenance of lawfully acquired property can normally be accounted for. The person's connection to people linked to a criminal organisation could also be of relevance. The assessment should be made on a case-by-case basis depending on the circumstances of the case. The mechanism of confiscation of unexplained wealth is not intended to be used when in the individual case the application of the rules set out in the Directive would be manifestly unreasonable or disproportionate. Member States***

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		could also determine a requirement for a certain period of time during which the property could be deemed to have originated from such criminal conduct. Member States should ensure that the appropriate procedural rights of the affected person are respected.	PUBLIC	***could also determine a requirement for a certain period of time during which the property could be deemed to have originated from such criminal conduct. Member States should ensure that the appropriate procedural rights of the affected person are respected.*** related to Art16 Text Origin: Council Mandate
Recital 28c				
37c			***(28b) Member States should take the necessary measures to ensure that victims' claims are fully respected prior to the adoption of the final confiscation measure. Member States should pay particular attention to victims' claims in all proceedings and especially in cross-border cases. Furthermore, Member States should, where possible and as a matter of priority, take the necessary measures to restitute the property concerned or, where that is not possible, a value equivalent to that property to the victim.***	recitals 28b and 28ba related to victims (Art18) COM to provide a new drafting related to Art18 COM proposal (5/12):(28b) Considering that criminal activities can inflict great harm on the victims, it is essential to protect their rights, including the rights to compensation and restitution. Therefore, Member States should take the appropriate measures to ensure that victims' claims to restitution and compensation against the person who is subject to a confiscation measure as a result of a criminal offence are fully respected in asset tracing, freezing and confiscation proceedings, including in cross-border cases. Moreover, in order to facilitate the compensation and restitution of property to victims, it is

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				necessary to facilitate the tracing of property that may become object of such claims as well as the information exchange between authorities competent for asset tracing and authorities competent for deciding upon or executing victim claims. Commission to revert ITM13 27112023
Recital 28d				
37d		***(28-b) The standard of proof as regards the origin of the property that this Directive sets out in the provision on extended confiscation and in the provision on confiscation of unexplained wealth is the same, in principle. Under both provisions, the court has to be satisfied that the property is derived from criminal conduct, while there is no requirement of any conviction for such criminal conduct. While the provision on extended confiscation is only applicable when a person is convicted of a criminal offence, in which case property belonging to that person can be ordered where the court is satisfied that the property is derived from criminal conduct, the provision on confiscation of unexplained wealth applies irrespectively of the outcome of the investigation in***		***(28-b) The standard of proof as regards the origin of the property that this Directive sets out in the provision on extended confiscation and in the provision on confiscation of unexplained wealth is the same, in principle. Under both provisions, the court has to be satisfied that the property is derived from criminal conduct, while there is no requirement of any conviction for such criminal conduct. While the provision on extended confiscation is only applicable when a person is convicted of a criminal offence, in which case property belonging to that person can be ordered where the court is satisfied that the property is derived from criminal conduct, the provision on confiscation of unexplained wealth applies irrespectively of the outcome of the investigation in***

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		relation to an offence that triggered its application. Confiscation of unexplained wealth should be possible when proceedings are discontinued, regardless of the reason, as well as when proceedings result in a judgment. In cases of conviction, either extended confiscation or confiscation of unexplained wealth would in principle be possible. The Directive does not indicate which form of confiscation should take precedence but Member States may do so. It should be noted that when the offence is prosecuted, the confiscation order should not necessarily have to be tried in conjunction with the offence, Member States could also allow for the issue of confiscation to be separated from the criminal charges and be tried separetely.	PUBLIC	***relation to an offence that triggered its application. Confiscation of unexplained wealth should be possible when proceedings are discontinued, regardless of the reason, as well as when proceedings result in a judgment. In cases of conviction, either extended confiscation or confiscation of unexplained wealth would in principle be possible. The Directive does not indicate which form of confiscation should take precedence but Member States may do so. It should be noted that when the offence is prosecuted, the confiscation order should not necessarily have to be tried in conjunction with the offence, Member States could also allow for the issue of confiscation to be separated from the criminal charges and be tried separetely.*** related to ARt16 Text Origin: Council Mandate
Recital 28e				
37e			***(28c) Member States should take the necessary measures to allow confiscated property to be used for public interest or social purposes. Considering the significant costs associated with tracing and identification, freezing and***	COM proposal (27/11) : The social reuse of confiscated property sends a visible message to society of the importance of values such as justice and legality, reaffirms the prevalence of the rule of law in the communities more directly

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			confiscation, such property can be kept as State property for justice, law enforcement, public service or economic purposes or be transferred to the local or regional authorities responsible for the area in which the property is located for institutional, social or economic purposes, including for assignment to organisations carrying out work of social interest. Several Member States have already adopted, more than twenty years ago, specific legislation providing for the direct or indirect reuse of confiscated property for purposes of public or social interest, benefiting from multiple positive aspects deriving from the reuse, both for public finances and for its symbolic value, as a visible counter-message for the affirmation of the values of justice and legality and the reconstruction of the territories marked by the presence of organised crime.	affected by organised crime, and builds the resilience of those communities against criminal infiltration in the social and economic fabric, as observed in the Member States which have already adopted such measures. Therefore, Member States should take the necessary measures to allow for the possibility that confiscated property is used for public interest or social purposes, so that confiscated property can be maintained as State property for justice, law enforcement, public service, social or economic purposes or be transferred to the authorities from the municipality or region where the property is located so that these authorities can use it for such purposes, including for assignment to organisations carrying out work of social interest. The use of confiscated property to such purposes is without prejudice to the budgetary autonomy of Member States. Commission to revert Council to revert EP to revert ITM13 27112023
Recital 28f				
37f		***(28b) When determining whether a criminal offence or criminal conduct is liable to give rise to economic benefit, Member States may take into account all relevant circumstances including the modus***		***(28b) When determining whether a criminal offence or criminal conduct is liable to give rise to economic benefit, Member States may take into account all relevant circumstances including the modus***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		operandi, for example if a condition of the offence is that it was committed in the context of organised crime or with the intention of generating regular profits from criminal offences.		***operandi, for example if a condition of the offence is that it was committed in the context of organised crime or with the intention of generating regular profits from criminal offences.*** related to ARt16 Text Origin: Council Mandate
Recital 28g				
G	37g		***(28d) Where the confiscated assets originated in a third country, Member States should return them to the third country based on a return agreement. Such return agreements should be made publicly available. Such return agreements could set out, inter alia, how the funds would be reinvested, for example compensating victims' losses or contributing to projects with a high social impact that have been selected based on the needs of the affected populations and following a transparent procedure.***	***(28g) [deleted]*** new green line ITM13 27112023
Recital 28h				
Y	37h	***(28c) Tracing and identification of property to be frozen and confiscated should be possible even after a final conviction for a criminal offence, or following***		***(28c) Tracing and identification of property to be frozen and confiscated should be possible even after a final conviction for a criminal offence, or following***

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		proceedings in application of non-conviction based confiscation. This obligation does not prevent Member States from setting out reasonable time limits after the final conviction or final decision in the proceedings in application of non-conviction based confiscation, following expiration of which tracing and identification would no longer be possible.		***proceedings in application of non-conviction based confiscation. This obligation does not prevent Member States from setting out reasonable time limits after the final conviction or final decision in the proceedings in application of non-conviction based confiscation, following expiration of which tracing and identification would no longer be possible.*** related to Art17 COM to provide a new drafting merging both related recitals (37d line) COM proposal (5:12):(28c) Tracing and identification of property to be frozen and confiscated should be possible even after a final conviction for a criminal offence or following non-conviction based confiscation proceedings. This does not prevent Member States from setting out reasonable time limits after the final conviction or final decision in non-conviction based confiscation , following expiration of which tracing and identification would no longer be possible. Commission to revert Text Origin: Council Mandate
Recital 28i				
37i			***(28e) The Commission and the***	

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			Member States should facilitate coordination between competent authorities and with third countries where instrumentalities, proceeds and property have been confiscated following the violation of Union restrictive measures.	related to Art18a- further use line 213f ITM13 27112023
Recital 28j				
G 37j		***(28d) Member States should be encouraged to prevent the property from being acquired in the course of its disposal upon a binding confiscation order by persons convicted in the criminal proceedings in which the property has been frozen.***		***(28j) In order to prevent that the convicted person re-acquires, directly or indirectly, the confiscated property, Member States should take appropriate measures to prevent the property from being acquired in the course of its disposal upon a binding confiscation order by persons convicted in the criminal proceedings in which the property has been frozen. Such measures, which may be limited to property above a certain value, may include the exclusion of certain types of entities from participating in the auction of the property, requiring documentation from the buyer or assessing any links of the buyer with the convicted person. Member States may apply such measures also for the sale of frozen property.*** new green line ITM 8 27102023 ITM13 27112023 G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 28k				
37k			***(28f) In order to facilitate the compensation, restitution and reparations towards States affected by international crimes, the Commission should issue guidelines on the use of the confiscated instrumentalities, proceeds and property for compensation, restitution and reparations towards States, insofar as the interests at stake are directly or indirectly affected by the criminal activities covered by this Directive. Where the assets are confiscated in connection with the Russian war of aggression on Ukraine or associated crimes, without prejudice to restitution to and compensation of the victims or the public concerned by the criminal offence, the confiscated assets or the net proceeds resulting from the liquidation of such assets should be assigned to contributions towards the reconstruction efforts of Ukraine.***	related to further use - line 213f restrictive measures ITM13 27112023
Recital 29				
38	(29) To ensure that property that is or may become subject to a freezing or confiscation order maintains its economic value Member States	(29) To ensure that property that is or may become subject to a freezing or confiscation order maintains its economic value Member States	(29) To ensure that property ~~*that*~~***which*** is or may become subject to a freezing or confiscation order maintains its economic value	(29) To ensure that property that is or may become subject to a freezing or confiscation order maintains its economic value Member States

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	should put in place effective management measures. Such measures should include a systematic assessment of how to best preserve and optimise the value of property before the adoption of freezing measures, also known as pre-seizure planning.	should put in place effective management measures. Such measures should ~~include a systematic assessment of how to best preserve and optimise the value of~~***apply to frozen property and to confiscated property until its disposal based on a final confiscation order. They should not apply after the disposal of the*** property ~~before the adoption of freezing measures, also known as pre-seizure planning~~***based on a final confiscation order, where the Member States may provide for rules for applicable mechanisms by which the property, or its value, forfeit to a state or other public budget, may be used for victims' compensation, for public interest or social purposes, or for other purposes as defined by national law. This Directive does not harmonise the mechanisms following the disposal of the property based on a final confiscation order***.	Member States should put in place effective management measures. Such measures should include a systematic assessment of how to best preserve and optimise the value of property before the adoption of freezing measures, also known as pre-seizure planning. ***Pre-seizure planning should be used in all cases unless the urgency of the matter would require limiting or foregoing that planning.***	should put in place effective management measures. ***[This includes the efficient management of entities, such as undertakings, that***~~Such measures~~ should ~~include a systematic assessment of how to best preserve and optimise the value of property before the adoption of freezing measures, also known as pre-seizure planning~~***be preserved as a going concern, while taking the measures necessary to ensure that the suspect or accused person does not benefit directly or indirectly from the ongoing operations or, where appropriate, measures of supervision regarding the control of the entity.]*** related to Article 19(-1) line 215a CON proposal (21/11): Where the property to be frozen consists of entities that should be preserved as a going concern, such as undertakings, the freezing order may include, where appropriate, measures of supervision or measures aimed to ensure that the suspect or accused person does not benefit from the output of such entities. Commission to make a new drafting proposal, taking into account the Council's latest concerns and proposal. COM (27/11):(29) To ensure that property that is or may become subject

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				to a freezing or confiscation order maintains its economic value Member States should put in place effective management measures. [This includes the efficient management of entities, such as undertakings, that should be preserved as a going concern, while taking the measures necessary to ensure that the suspect or accused person does not benefit directly or indirectly from the ongoing operations or, where appropriate, measures of supervision regarding the control of the entity.] Commission's drafting proposal during TM5. Provissionally agreed. Council to revert TM5 15092023 TM9 09112023 ITM11 21112023 ITM13 27112023
Recital 29a				
38a		***(29a) Where justified by the nature of the property, including for example its value or the need for specific management conditions or expertise implied by its nature, such measures should include an assessment of how to minimise the management costs and preserve the value of the property carried out***		***(29a) Where justified by the nature of the property, including for example its value or the need for specific management conditions or expertise implied by its nature, such measures should include an assessment of how to minimise the management costs and preserve the value of the property carried out***

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		when preparing or, at the latest, without undue delay after executing the freezing order. The objective of the assessment is to provide the competent authorities with the relevant considerations to be taken into account before, during or after adopting or executing the freezing order. Member States may adopt guidance on how such assessment should be carried out taking into account the circumstances of the property to be frozen and ensuring that the assessment will not jeopardise the timely execution of the freezing order.	PUBLIC	***when preparing or, at the latest, without undue delay after executing the freezing order. The objective of the assessment is to provide the competent authorities with the relevant considerations to be taken into account before, during or after adopting or executing the freezing order. Member States may adopt guidance on how such assessment should be carried out taking into account the circumstances of the property to be frozen and ensuring that the assessment will not jeopardise the timely execution of the freezing order.*** COM proposal (5/12):(29a) Where justified by the nature of the property, including its value or the need for specific management conditions, an assessment of how to minimise the management costs and preserve the value of the property should be carried out when preparing or, at the latest, without undue delay after executing the freezing order. The objective of the assessment is to provide the competent authorities with the relevant considerations to be taken into account before, during or after adopting or executing the freezing order. Member States may adopt guidance on how such assessment should be carried out taking into account the circumstances of the property to be frozen and ensuring that the assessment will not jeopardise the timely execution of the freezing order.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Commission to revert Text Origin: Council Mandate
Recital 30				
39	(30) In circumstances where the property frozen is perishable, rapidly depreciating, or whose maintenance costs are disproportionate to its expected value at the time of confiscation, or that is too difficult to administer or is easily replaceable, Member States should allow for the sale of this property. Before taking such a decision, the owner of the property should have the right to be heard. Member States should consider the possibility to charge the costs of the management of frozen property to the beneficial owner, for instance in alternative to the ordering of an interlocutory sale, and in case of final conviction. These rules, including the possibility for the costs for the management of frozen property to be charged to the beneficial owner, apply to property identified in the context of the implementation of Union restrictive measures to the extent that they have been frozen in relation to criminal charges, such as violation of Union restrictive measures.	(30) In ~~circumstances~~***situations*** where ***it may be reasonably assumed that*** the property frozen is perishable, rapidly depreciating, or whose maintenance costs are disproportionate to its expected value at the time of confiscation, or that is too difficult to administer or is easily replaceable, Member States should allow for the sale of this property ***before a final confiscation order. In accordance with national law, the decision on sale of a property of a specific nature may be subject to prior approval by a competent national authority***. Before taking such a decision, ~~the owner of the property~~ ***except in cases of urgency, the affected person*** should have the right to be ~~heard~~***notified*** . Member States should ~~consider~~***provide for*** the possibility ~~to charge the costs of the management of frozen property to the beneficial owner, for instance in alternative to the ordering of an interlocutory sale, and in case of final conviction. These rules, including the possibility for the costs for the management of frozen~~	(30) In circumstances where the property frozen is perishable, rapidly depreciating, or whose maintenance costs are disproportionate to its expected value at the time of confiscation, or that is too difficult to administer or is easily replaceable, Member States should allow for the sale of this property. Before taking such a decision, the owner of the property should have the right to be heard. Member States should consider the possibility to charge the costs of the management of frozen property to the beneficial owner, for instance in alternative to the ordering of an interlocutory sale, and in case of final conviction. These rules, including the possibility for the costs for the management of frozen property to be charged to the beneficial owner, apply to property identified in the context of the implementation of Union restrictive measures to the extent that they have been frozen in relation to criminal charges, such as violation of Union restrictive measures.	(30) In ~~circumstances~~***situations*** where ***it may be reasonably assumed that*** the property frozen is perishable, rapidly depreciating, or whose maintenance costs are disproportionate to its expected value at the time of confiscation, or that is too difficult to administer or is easily replaceable, Member States should allow for the sale of this property ***before a final confiscation order. In accordance with national law, the decision on sale of a property of a specific nature may be subject to prior approval by a competent national authority***. Before taking such a decision, ~~the owner of the property~~ ***except in cases of urgency, the affected person*** should have the right to be ~~heard~~***notified*** . Member States should ~~consider~~***provide for*** the possibility ~~to charge the costs of the management of frozen property to the beneficial owner, for instance in alternative to the ordering of an interlocutory sale, and in case of final conviction. These rules, including the possibility for the costs for the management of frozen~~

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		~~property to be charged to the beneficial owner, apply to property identified in the context~~***of an appeal against an interlocutory sale order. Member States may provide for the possibility that such an appeal has suspensory effect, for example where necessary to safeguard the legitimate interests of the affected person, in particular where there is a risk of irreparable harm. Member States may do so, for example, by giving the appeal suspensory effect by law or by allowing the competent court to suspend the order pending its decision on the appeal. Member States may consider the possibility to charge the costs*** of the ~~implementation of Union restrictive measures~~***management of frozen property*** to the ~~extent that they have been frozen in relation to criminal charges, such as violation of Union restrictive measures~~***owner or beneficial owner, for instance in alternative to the ordering of an interlocutory sale, and in case of a final conviction***.		~~property to be charged to the beneficial owner, apply to property identified in the context~~***of an appeal against an interlocutory sale order. Member States may provide for the possibility that such an appeal has suspensory effect, for example where necessary to safeguard the legitimate interests of the affected person, in particular where there is a risk of irreparable harm. Member States may do so, for example, by giving the appeal suspensory effect by law or by allowing the competent court to suspend the order pending its decision on the appeal. Member States may consider the possibility to charge the costs*** of the ~~implementation of Union restrictive measures~~***management of frozen property*** to the ~~extent that they have been frozen in relation to criminal charges, such as violation of Union restrictive measures~~***owner or beneficial owner, for instance in alternative to the ordering of an interlocutory sale, and in case of a final conviction***. related to interlocutory sales Article 20 COM to provide a new wording Commission to revert Text Origin: Council Mandate
Recital 31				

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
40	(31) Member States should set up asset management offices with the purpose of establishing specialised authorities tasked with the management of frozen and confiscated property in order to effectively manage the property frozen before confiscation and preserve its value, pending a final decision on the confiscation. Without prejudice to the Member States' internal administrative structures, asset management offices should either be the sole authority managing frozen or confiscated property, or should provide support to decentralised actors according to national management set-ups, and support relevant authorities with pre-seizure planning.	(31) Member States should set up ***or designate one or more competent authorities that will function as*** asset management offices with the purpose of establishing specialised authorities tasked with the management of frozen and confiscated property in order to effectively manage the property frozen before confiscation and preserve its value, pending a final decision on the confiscation ***and the disposal of the property based on such decision***. Without prejudice to the Member States' internal administrative structures, asset management offices should either be the sole authority managing frozen ~~or~~***and*** confiscated property, or should provide support to decentralised actors according to national management set-ups, and support relevant authorities with ***planning. This Directive does not prescribe the legal or institutional nature of the asset management offices, and is without prejudice to institutional systems in the Member States, where asset management offices may also carry out tasks of asset recovery offices, or where certain tasks of asset management offices may be outsourced*** ~~pre-seizure planning~~.	(31) Member States should set up asset management offices with the purpose of establishing specialised authorities tasked with the management of frozen and confiscated property in order to effectively manage the property frozen before confiscation and preserve its value, pending a final decision on the confiscation. Without prejudice to the Member States' internal administrative structures, asset management offices should either be the sole authority managing frozen or confiscated property, or should provide support to decentralised actors according to national management set-ups, and support relevant authorities with pre-seizure planning.	(31) Member States should set up ***or designate one or more competent authorities that will function as*** asset management offices with the purpose of establishing specialised authorities tasked with the management of frozen and confiscated property in order to effectively manage the property frozen before confiscation and preserve its value, pending a final decision on the confiscation ***and the disposal of the property based on such decision***. Without prejudice to the Member States' internal administrative structures, asset management offices should either be the sole authority managing frozen ~~or~~***and*** confiscated property, or should provide support to decentralised actors according to national management set-ups, and support relevant authorities with ***planning. This Directive does not prescribe the legal or institutional nature of the asset management offices, and is without prejudice to institutional systems in the Member States*** ~~pre-seizure planning~~. Council to revert Text Origin: Council Mandate ITM13 27112023
Recital 32				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
41	(32) This Directive respects the fundamental rights and observes the principles recognized by the Charter of Fundamental Rights of the European Union ('the Charter') and the European Convention for the Protection of Human Rights and Fundamental Freedoms ('the ECHR'), as interpreted in the case-law of the European Court of Human Rights. This Directive should be implemented in accordance with those rights and principles.	(32) This Directive respects the fundamental rights and observes the principles recognized by the Charter of Fundamental Rights of the European Union ('the Charter') and the European Convention for the Protection of Human Rights and Fundamental Freedoms ('the ECHR'), as interpreted in the case-law of the European Court of Human Rights. This Directive should be implemented in accordance with those rights and principles.	(32) This Directive respects the fundamental rights and observes the principles recognized by the Charter of Fundamental Rights of the European Union ('the Charter') and the European Convention for the Protection of Human Rights and Fundamental Freedoms ('the ECHR'), as interpreted in the case-law of the European Court of Human Rights. This Directive should be implemented in accordance with those rights and principles.	(32) This Directive respects the fundamental rights and observes the principles recognized by the Charter of Fundamental Rights of the European Union ('the Charter') and the European Convention for the Protection of Human Rights and Fundamental Freedoms ('the ECHR'), as interpreted in the case-law of the European Court of Human Rights. This Directive should be implemented in accordance with those rights and principles. new green line Text Origin: Commission Proposal ITM13 27112023
Recital 33				
42	(33) Freezing and confiscation orders substantially affect the rights of suspected and accused persons, and in specific cases of third parties who are not being prosecuted. The Directive should provide for specific safeguards and judicial remedies in order to guarantee the protection of their fundamental rights in the implementation of this Directive in line with the right to a fair trial, the right to an effective remedy and the presumption of innocence as enshrined in Articles 47 and 48 of	(33) Freezing and confiscation orders substantially affect the rights of suspected and accused persons, and in specific cases of third parties ***or other persons*** who are not being prosecuted. The Directive should provide for specific safeguards and judicial remedies in order to guarantee the protection of their fundamental rights in the implementation of this Directive in line with the right to a fair trial, the right to an effective remedy and the presumption of innocence as	(33) Freezing and confiscation orders substantially affect the rights of suspected and accused persons, and in specific cases of third parties who are not being prosecuted. The Directive should provide for specific safeguards and judicial remedies in order to guarantee the protection of their fundamental rights in the implementation of this Directive in line with the right to a fair trial, the right to an effective remedy and the presumption of innocence as enshrined in Articles 47 and 48 of	(33) Freezing and confiscation orders substantially affect the rights of suspected and accused persons, and in specific cases of third parties ***or other persons*** who are not being prosecuted. The Directive should provide for specific safeguards and judicial remedies in order to guarantee the protection of their fundamental rights in the implementation of this Directive in line with the right to a fair trial, the right to an effective remedy and the presumption of innocence as

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	the Charter of Fundamental Rights of the European Union.	enshrined in Articles 47 and 48 of the Charter of Fundamental Rights of the European Union.	the Charter of Fundamental Rights of the European Union.	enshrined in Articles 47 and 48 of the Charter of Fundamental Rights of the European Union. new green line Text Origin: Council Mandate ITM13 27112023
Recital 34				
43	(34) Freezing, confiscation, and interlocutory sales orders should be communicated to the affected party without delay. The purpose of communicating those orders is, inter alia, to allow the affected person to challenge them before a court. Therefore, such communications should, as a general rule, indicate the reason or reasons for the order concerned. The affected party should have the effective possibility to challenge the freezing, confiscation, and interlocutory sales orders. In the case of confiscation orders where all elements of the criminal offence are present but a criminal conviction is impossible, the defendant should have a possibility to be heard before the adoption of the order. The same possibility should be provided for the owner affected by an order to sell the property before confiscation.	(34) Freezing, confiscation~~,~~ and interlocutory sales orders should be communicated to the affected ~~party without~~***person without undue*** delay. ***Nevertheless, Members States should be able to provide for a right for competent authorities to postpone communicating freezing orders to the affected person due to the needs of the investigation.*** The purpose of communicating those orders is, inter alia, to allow the affected person to challenge them ~~before a court~~. Therefore, such communications should, as a general rule, indicate the reason or reasons for the order concerned. ***Where*** the affected ~~party should have the effective possibility to challenge the freezing, confiscation, and interlocutory sales orders. In the case of confiscation orders where all elements~~***person or whereabouts of the affected person are unknown or where the communication to each*** of the ~~criminal offence are present~~	(34) Freezing, confiscation, and interlocutory sales orders should***, in principle,*** be communicated to the affected ~~party~~ ***person*** without delay***, except in circumstances wherein such communication can put at risk the confidentiality or integrity of a criminal investigation***. The purpose of communicating those orders is, inter alia, to allow the affected person to challenge them before a court. Therefore, such communications should, as a general rule, indicate the reason or reasons for the order concerned. The affected party should have the effective possibility to challenge the freezing, confiscation, and interlocutory sales orders. In the case of confiscation orders where all elements of the criminal offence are present but a criminal conviction is impossible, the defendant should have a possibility to be heard before the adoption of the order. The same possibility should be provided for	(34) Freezing, confiscation~~,~~ and interlocutory sales orders should be communicated to the affected ~~party without~~***person without undue*** delay. ***Nevertheless, Members States should be able to provide for a right for competent authorities to postpone communicating freezing orders to the affected person due to the needs of the investigation.*** The purpose of communicating those orders is, inter alia, to allow the affected person to challenge them ~~before a court~~. Therefore, such communications should, as a general rule, indicate the reason or reasons for the order concerned. ***Where*** the affected ~~party should have the effective possibility to challenge the freezing, confiscation, and interlocutory sales orders. In the case of confiscation orders where all elements~~***person or whereabouts of the affected person are unknown or where the communication to each*** of the ~~criminal offence are present~~

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		~~but a criminal conviction is impossible, the defendant should have a possibility to be heard before the adoption of the order. The same possibility should be provided for the owner affected by an order to sell the property before confiscation~~***affected persons would entail a disproportionate burden, the communication may be made by means of a public announcement***.	the owner affected by an order to sell the property before confiscation.	~~but a criminal conviction is impossible, the defendant should have a possibility to be heard before the adoption of the order. The same possibility should be provided for the owner affected by an order to sell the property before confiscation~~***affected persons would entail a disproportionate burden, the communication may be made by means of a public announcement***. related to Art22 Council to revert Text Origin: Council Mandate
Recital 34a				
Y	43a	***(34a) The affected person should have the effective possibility to challenge the freezing, confiscation and interlocutory sales orders. In the case of confiscation orders where all elements of the criminal offence are present but a criminal conviction is impossible, the defendant should have a possibility to be heard before the adoption of the order, where possible. In the case of confiscation orders pursuant to provisions on extended confiscation and confiscation of unexplained wealth, circumstances that may be challenged by the affected person when challenging***		***(34a) The affected person should have the effective possibility to challenge the freezing, confiscation and interlocutory sales orders. In the case of confiscation orders where all elements of the criminal offence are present but a criminal conviction is impossible, the defendant should have a possibility to be heard before the adoption of the order, where possible. In the case of confiscation orders pursuant to provisions on extended confiscation and confiscation of unexplained wealth, circumstances that may be challenged by the affected person when challenging***

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		the confiscation order before a court should also include specific facts and available evidence on the basis of which the property concerned is considered to be property that is derived from criminal conduct.	PUBLIC	***the confiscation order before a court should also include specific facts and available evidence on the basis of which the property concerned is considered to be property that is derived from criminal conduct.*** related to Art23 Commission to revert Text Origin: Council Mandate
Recital 35				
G 44	(35) When implementing this Directive, and in order to ensure the proportionality of confiscation measures, Member States should provide that confiscation of property is not ordered to the extent it would be disproportionate to the offence in question. Furthermore, Member States should provide for the possibility that, in exceptional circumstances, confiscation is not ordered, insofar as it would, in accordance with national law, represent undue hardship for the affected person, on the basis of the circumstances of the respective individual case which should be decisive. Such exceptional circumstances should be limited to cases where it would put the person concerned in a situation in which it	(35) When implementing this Directive, and in order to ensure the proportionality of confiscation measures, Member States ~~*should*~~ ***may*** provide ~~*that confiscation of property is not ordered*~~***for the possibility not to order confiscation or execute it*** to the extent it would be disproportionate to the offence ***or accusation*** in question. ***This possibility should allow the competent authorities to assess for instance to what extent the confiscation of instrumentalities is proportionate.*** Furthermore, Member States ~~*should*~~***may*** provide for the possibility that, in exceptional circumstances, confiscation is not ordered ***or executed***, insofar as it would, in accordance with national law,	(35) When implementing this Directive, and in order to ensure the proportionality of confiscation measures, Member States should provide that confiscation of property is not ordered to the extent it would be disproportionate to the offence in question. Furthermore, Member States should provide for the possibility that, in exceptional circumstances, confiscation is not ordered, insofar as it would, in accordance with national law, represent undue hardship for the affected person, on the basis of the circumstances of the respective individual case which should be decisive. Such exceptional circumstances should be limited to cases where it would put the person concerned in a situation in which it	(35) When implementing this Directive~~*, and in order to ensure the proportionality of confiscation measures*~~, Member States ~~*should*~~***may*** provide that ~~*confiscation of property is not ordered to the extent it would be disproportionate to the offence in question. Furthermore, Member States should provide for the possibility that*~~, in exceptional circumstances, confiscation ~~*is not*~~ ***should not be*** ordered ***or executed***, insofar as it would, in accordance with national law, represent undue hardship for the affected person, on the basis of the circumstances of the respective individual case which should be decisive. ~~*Such exceptional circumstances should be limited to cases where it would put the person*~~ G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	would be very difficult for the affected person to survive and the circumstances of the respective individual case should be decisive.	represent undue hardship for the affected person, on the basis of the circumstances of the respective individual case which should be decisive. Such exceptional circumstances should be limited to cases where it would put the person concerned in a situation in which it would be very difficult for the affected person to survive and the circumstances of the respective individual case should be decisive.	would be very difficult for the affected person to survive and the circumstances of the respective individual case should be decisive.	~~concerned in a situation in which it would be very difficult for the affected person to survive and the circumstances of the respective individual case should be decisive.~~ new green line Text Origin: Council Mandate ITM15 06122023
Recital 35a				
G 44a		***(35a) While Member States are obliged to ensure that persons whose property is affected by the measures provided for in this Directive have the right of access to a lawyer throughout the freezing and confiscation proceedings, this Directive does not affect the rules applicable for legal aid provided free of charge.***		***(35a) While Member States are obliged to ensure that persons whose property is affected by the measures provided for in this Directive have the right of access to a lawyer throughout the freezing and confiscation proceedings, this Directive does not affect the rules applicable for legal aid provided free of charge.*** related to Art23 new green line Text Origin: Council Mandate ITM13 27112023
Recital 36				
G 45	(36) This Directive should be	(36) This Directive should be	(36) This Directive should be	(36) This Directive should be

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	implemented without prejudice to Directive 2010/64/EU of the European Parliament and of the Council[1], Directive 2012/13/EU of the European Parliament and of the Council[2], Directive 2012/29/EU of the European Parliament and of the Council[3], Directive 2013/48/EU of the European Parliament and of the Council[4], Directive (EU) 2016/343/EU of the European Parliament and of the Council[5], Directive 2016/800/EU of the European Parliament and of the Council[6] and Directive (EU) 2016/1919 of the European Parliament and of the Council .[7] 1. Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1). 2. Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1). 3. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57). 4. Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while	implemented without prejudice to Directive 2010/64/EU of the European Parliament and of the Council[1], Directive 2012/13/EU of the European Parliament and of the Council[2], Directive 2012/29/EU of the European Parliament and of the Council[3], Directive 2013/48/EU of the European Parliament and of the Council[4], Directive ***2014/60/EU of the European Parliament and of the Council[5], Directive*** (EU) 2016/343/EU of the European Parliament and of the Council[~~5~~6], Directive 2016/800/EU of the European Parliament and of the Council[~~6~~–7] and Directive (EU) 2016/1919 of the European Parliament and of the Council-.[~~7~~8] 1. Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1). 2. Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1). 3. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57). 4. Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have	implemented without prejudice to Directive 2010/64/EU of the European Parliament and of the Council[1], Directive 2012/13/EU of the European Parliament and of the Council[2], Directive 2012/29/EU of the European Parliament and of the Council[3], Directive 2013/48/EU of the European Parliament and of the Council[4], Directive (EU) 2016/343/EU of the European Parliament and of the Council[5], Directive 2016/800/EU of the European Parliament and of the Council[6] and Directive (EU) 2016/1919 of the European Parliament and of the Council .[7] 1. Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1). 2. Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1). 3. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57). 4. Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while	implemented without prejudice to Directive 2010/64/EU of the European Parliament and of the Council[1], Directive 2012/13/EU of the European Parliament and of the Council[2], Directive 2012/29/EU of the European Parliament and of the Council[3], Directive 2013/48/EU of the European Parliament and of the Council[4], Directive ***2014/60/EU of the European Parliament and of the Council[5], Directive*** (EU) 2016/343/EU of the European Parliament and of the Council[~~5~~6], Directive 2016/800/EU of the European Parliament and of the Council[~~6~~–7] and Directive (EU) 2016/1919 of the European Parliament and of the Council-.[~~7~~8] 1. Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1). 2. Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1). 3. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57). 4. Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	deprived of liberty (OJ L 294, 6.11.2013, p. 1). 5. Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1). 6. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1). 7. Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p. 1).	a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1). 5. Directive ~~(EU) 2016/343~~***2014/60/EU*** of the European Parliament and of the Council of ~~9 March 2016~~***15 May 2014*** on the ~~strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016~~***return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (OJ L 159, 28.5.2014***, p. 1). 6. Directive (EU) ~~2016/800~~***2016/343*** of the European Parliament and of the Council of ~~11 May~~***9 March*** 2016 on ~~procedural safeguards for children who are suspects or accused persons~~***the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial*** in criminal proceedings (OJ L ~~132, 21.5.2016~~***65, 11.3.2016***, p. 1). 7. Directive (EU) ~~2016/1919~~***2016/800*** of the European Parliament and of the Council of ~~26 October~~***11 May*** 2016 on ~~legal aid for suspects and accused persons in criminal proceedings and for requested~~***procedural safeguards for children who are suspects or accused*** persons in ~~European arrest warrant~~***criminal*** proceedings (OJ L ~~297, 4.11.2016~~***132, 21.5.2016***, p. 1). ***8. Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p. 1).***	deprived of liberty (OJ L 294, 6.11.2013, p. 1). 5. Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1). 6. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1). 7. Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p. 1).	a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1). 5. Directive ~~(EU) 2016/343~~***2014/60/EU*** of the European Parliament and of the Council of ~~9 March 2016~~***15 May 2014*** on the ~~strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016~~***return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (OJ L 159, 28.5.2014***, p. 1). 6. Directive (EU) ~~2016/800~~***2016/343*** of the European Parliament and of the Council of ~~11 May~~***9 March*** 2016 on ~~procedural safeguards for children who are suspects or accused persons~~***the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial*** in criminal proceedings (OJ L ~~132, 21.5.2016~~***65, 11.3.2016***, p. 1). 7. Directive (EU) ~~2016/1919~~***2016/800*** of the European Parliament and of the Council of ~~26 October~~***11 May*** 2016 on ~~legal aid for suspects and accused persons in criminal proceedings and for requested~~***procedural safeguards for children who are suspects or accused*** persons in ~~European arrest warrant~~***criminal*** proceedings (OJ L ~~297, 4.11.2016~~***132, 21.5.2016***, p. 1). ***8. Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p. 1).*** new green line Text Origin: Council Mandate ITM13 27112023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 37				
G 46	(37) It is particularly important that the protection of personal data, in accordance with Union law, is ensured in connection to processing of data under this Directive. To that aim, the rules of this Directive should be aligned with Directive (EU) 2016/680. In particular, it should be specified that any personal data exchanged by Asset Recovery Offices is to remain limited to the categories of data listed in Section B point 2, of Annex II to Regulation (EU) 2016/794 of the European Parliament and of the Council. Directive (EU) 2016/680 of the European Parliament and of the Council applies to the processing of personal data by national competent authorities, notably asset recovery offices, for the purposes of this Directive.	(37) It is particularly important that the protection of personal data, in accordance with Union law, is ensured in connection to processing of data under this Directive. To that aim, the rules of this Directive should be aligned with Directive (EU) 2016/680. In particular, it should be specified that any personal data exchanged by asset recovery offices is to remain limited to the categories of data listed in Section B point 2, of Annex II to Regulation (EU) 2016/794 of the European Parliament and of the Council. Directive (EU) 2016/680 of the European Parliament and of the Council applies to the processing of personal data by national competent authorities, notably asset recovery offices, for the purposes of this Directive.	(37) It is particularly important that the protection of personal data, in accordance with Union law, is ensured in connection to processing of data under this Directive. To that aim, the rules of this Directive should be aligned with Directive (EU) 2016/680. In particular, it should be specified that any personal data exchanged by Asset Recovery Offices is to remain limited to the categories of data listed in Section B point 2, of Annex II to Regulation (EU) 2016/794 of the European Parliament and of the Council. Directive (EU) 2016/680 of the European Parliament and of the Council applies to the processing of personal data by national competent authorities, notably asset recovery offices, for the purposes of this Directive.	(37) It is particularly important that the protection of personal data, in accordance with Union law, is ensured in connection to processing of data under this Directive. To that aim, the rules of this Directive should be aligned with Directive (EU) 2016/680. In particular, it should be specified that any personal data exchanged by Asset Recovery Offices is to remain limited to the categories of data listed in Section B point 2, of Annex II to Regulation (EU) 2016/794 of the European Parliament and of the Council. Directive (EU) 2016/680 of the European Parliament and of the Council applies to the processing of personal data by national competent authorities, notably asset recovery offices, for the purposes of this Directive. new green line Text Origin: Commission Proposal ITM13 27112023 G
Recital 38				
G 47	(38) It is particularly important that the protection of personal data, in	(38) It is particularly important that the protection of personal data, in	(38) It is particularly important that the protection of personal data, in	(38) It is particularly important that the protection of personal data, in G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	accordance with Union law, is ensured in connection to all exchanges of information under this Directive. To that aim, insofar as the processing of personal data for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties is concerned, data protection rules as set out in Directive (EU) 2016/680 are applicable in relation to measures taken under this Directive. Where relevant, notably having regard to the processing of personal data by asset management offices for the purpose of the management of property, the data protection rules set out in Regulation (EU) 2016/679 of the European Parliament and of the Council are applicable.	accordance with Union law, is ensured in connection to all exchanges of information under this Directive. To that aim, insofar as the processing of personal data for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties is concerned, data protection rules as set out in Directive (EU) 2016/680 are applicable in relation to measures taken under this Directive. Where relevant, notably having regard to the processing of personal data by asset management offices for the purpose of the management of property, the data protection rules set out in Regulation (EU) 2016/679 of the European Parliament and of the Council are applicable.	accordance with Union law, is ensured in connection to all exchanges of information under this Directive. To that aim, insofar as the processing of personal data for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties is concerned, data protection rules as set out in Directive (EU) 2016/680 are applicable in relation to measures taken under this Directive. Where relevant, notably having regard to the processing of personal data by asset management offices for the purpose of the management of property, the data protection rules set out in Regulation (EU) 2016/679 of the European Parliament and of the Council are applicable.	accordance with Union law, is ensured in connection to all exchanges of information under this Directive. To that aim, insofar as the processing of personal data for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties is concerned, ***the*** data protection rules as set out in Directive (EU) 2016/680 are applicable in relation to measures taken under this Directive ***are set out in Directive (EU) 2016/680, which lays down the rules relating to the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, in line with a set of principles relating to the processing of personal data, in particular lawfulness, fairness and transparency, purpose limitation, data minimisation, accuracy, storage limitation, integrity and confidentiality, and accountability***. Where relevant, notably having regard to the processing of personal data by asset management offices for the purpose of the management of property, the data protection rules set out in Regulation (EU) 2016/679 of

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				the European Parliament and of the Council are applicable. new green line ITM11 21112023
Recital 39				
48	(39) An effective recovery system requires concerted efforts of a wide range of authorities, from law enforcement, including customs authorities, tax authorities and tax recovery authorities to the extent that they are competent for asset recovery, asset recovery offices, judicial authorities and asset management authorities, including asset management offices. In order to ensure coordinated action by all competent authorities, it is necessary to establish a more strategic approach to asset recovery and promote a greater cooperation between the relevant authorities, and to obtain a clear overview of the results of asset recovery. For this purpose, Member States should adopt and regularly review a national strategy on asset recovery to guide actions in relation to financial investigations, freezing and confiscation, management as well as final disposal of the relevant instrumentalities, proceeds, or property. Furthermore, Member	(39) An effective recovery system requires concerted efforts of a wide range of authorities, from law enforcement, including customs authorities, tax authorities and tax recovery authorities to the extent that they are competent for asset recovery, asset recovery offices, judicial authorities and asset management authorities, including asset management offices. In order to ensure coordinated action by all competent authorities, it is necessary to establish a more strategic approach to asset recovery and promote a greater cooperation between the relevant authorities, and to obtain a clear overview of the results of asset recovery. For this purpose, Member States should adopt and regularly review a national strategy on asset recovery to guide actions in relation to financial investigations, freezing and confiscation, management as well as final disposal of the relevant instrumentalities, proceeds, or property. ***Member States may decide***	(39) An effective ***asset tracing and*** recovery system ***as well as maintaining the value of frozen assets*** requires concerted efforts of a wide range of authorities, from law enforcement, including customs authorities, tax authorities and tax recovery authorities to the extent that they are competent for asset recovery, asset recovery offices, judicial authorities and asset management authorities, including asset management offices. In order to ensure coordinated action by all competent authorities, it is necessary to establish a more strategic approach to asset recovery and promote a greater cooperation between the relevant authorities, and to obtain a clear overview of the results of asset recovery. For this purpose, Member States should adopt and regularly review a national strategy on asset recovery to guide actions in relation to financial investigations, freezing and confiscation, management as well as final disposal of the relevant	(39) ***(39)*** An effective recovery system requires concerted efforts of a wide range of authorities, from law enforcement, including customs authorities, tax authorities and tax recovery authorities to the extent that they are competent for asset recovery, asset recovery offices, judicial authorities and asset management authorities, including asset management offices. In order to ensure coordinated action by all competent authorities, it is necessary to establish a more strategic approach to asset recovery and promote a greater cooperation between the relevant authorities, and to obtain a clear overview of the results of asset recovery. ***It is also necessary to ensure closer and more effective cooperation between asset recovery offices and asset management offices and their counterparts in other Member States.*** For this purpose, Member States should adopt and regularly review a national strategy on asset recovery to guide actions in relation

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	States should provide competent authorities with the necessary resources to be able to fulfil their tasks effectively. Competent authorities should be understood as the authorities entrusted with the carrying out of the tasks as outlined under this Directive and according to national set-ups.	***on the appropriate format of such strategy which may take into account their constitutional traditions in terms of separation of powers and competences and may be either sectorial or a part of a broader strategical document. Without prejudice to whether the Member States provide for the adoption of one or more strategies, their overall content should encompass the territory of the entire Member State.*** Furthermore, Member States should provide competent authorities with the necessary resources to be able to fulfil their tasks effectively. Competent authorities should be understood as the authorities entrusted with the carrying out of the tasks as outlined under this Directive and according to national set-ups.	instrumentalities, proceeds, or property. ***National strategies should include a description of the roles and responsibilities of all the competent authorities involved in asset recovery, confiscation and management and the particular mechanisms of cooperation among them.*** Furthermore, Member States should provide competent authorities with the necessary resources ***and legal powers*** to be able to fulfil their tasks effectively. Competent authorities should be understood as the authorities entrusted with the carrying out of the tasks as outlined under this Directive and according to national set-ups.	to financial investigations, freezing and confiscation, management as well as final disposal of the relevant instrumentalities, proceeds, or property***. Member States may decide on the appropriate format of such strategy which may take into account their constitutional set up. This Directive should establish the elements to be included in the strategy, such as a description of the roles and responsibilities of all the competent authorities involved in asset recovery, and the arrangements for coordination and cooperation among them, without determining the concrete type of information to be included in the strategy***. Furthermore, Member States should provide competent authorities with the necessary resources to be able to fulfil their tasks effectively. Competent authorities should be understood as the authorities entrusted with the carrying out of the tasks as outlined under this Directive and according to national set-ups. related to Art24 Council to revert ITM13 27112023
Recital 39a				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G	48a		***(39a) It is important that minimum standards for the functioning of asset recovery offices and asset management offices are ensured throughout the Union. For this reason, Member States should be required to regularly report to the Commission on the financial, human and technical resources allocated to those offices.***	***(39a) deleted*** new green line ITM13 27112023
	Recital 40			
Y	49	(40) In order to evaluate the effectiveness and efficiency of the asset recovery, asset management and confiscation framework, it is necessary to collect and publish a comparable set of statistical data on freezing, management and confiscation of property.	(40) In order to evaluate the effectiveness and efficiency of the asset recovery, asset management and confiscation framework, it is necessary to collect and publish a comparable ***minimum*** set of ***appropriate*** statistical data on freezing, management and confiscation of property. ***Member States should endeavour to collect data for certain statistics at a central level, with a view to sending them to the Commission. This means that the Member States should make reasonable efforts to collect the data concerned. It does not mean, however, that the Member States are under an obligation to achieve the result of collecting the data where there is a disproportionate administrative burden or when there are high costs for the Member State concerned.***	(40) In order to evaluate the effectiveness and efficiency of the asset recovery, asset management and confiscation framework, it is necessary to collect and publish a comparable ***minimum*** set of ***appropriate*** statistical data on freezing, management and confiscation of property.	(40) In order to evaluate the effectiveness and efficiency of the asset recovery, asset management and confiscation framework, it is necessary to collect and publish a comparable ***minimum*** set of ***appropriate*** statistical data on freezing, management and confiscation of property. related to Art27 Council to revert Text Origin: Council Mandate ITM13 27112023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Recital 41				
50	(41) To ensure consistent approaches among Member States in the collection of statistics, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission to supplement this Directive by adopting more detailed rules on the information to be collected and the methodology for the collection of the statistics.	*deleted*	(41) To ensure consistent approaches among Member States in the collection of statistics. ***Member States should include, for all criminal offences, at least the number of asset tracing investigations launched, the number of assets traced, the number of freezing orders initiated and executed, the number of confiscation orders initiated and executed, the number of confiscation orders executed broken down by type of confiscation, the value of property frozen, for the confiscation orders included in a respective annual report, the value of confiscated property compared to the value at the time of freezing the number of requests for freezing orders to be executed in another Member State, the number of requests for confiscation orders to be executed in another Member State, the value of the property recovered following execution in another Member State, the value of the property destined to be reused for law enforcement, prevention or social purposes, the manner in which the confiscated property has been used and, for the confiscation orders included in a respective annual report, the length***	(41) ***[(41)*** To ensure consistent approaches among Member States in the collection of statistics, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission to supplement this Directive by adopting more detailed rules on the ~~*information to be collected and*~~ the methodology for the collection of the statistics.***]*** Council to revert Text Origin: Commission Proposal ITM13 27112023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			of the procedure from freezing to final disposal. The ~~, *the*~~ power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission to supplement this Directive by ~~*adopting*~~***providing*** more detailed rules on the information to be collected ~~*and*~~***,*** the methodology for the collection ***and transmission*** of the ***data to the Commission*** ~~*statistics*~~.	
Recital 42				
51	(42) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. 1. OJ L 123, 12.5.2016, p. 1.	*deleted*	*(42)* It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. 1. OJ L 123, 12.5.2016, p. 1.	(42) ***[***It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.***]*** 1. OJ L 123, 12.5.2016, p. 1.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Council to revert Text Origin: Commission Proposal ITM13 27112023
Recital 43				
52	(43) To provide a more comprehensive overview of the action taken to freeze and confiscate, Member States should establish a central register of frozen, managed and confiscated instrumentalities, proceeds, or property, and collect the necessary statistics on the implementation of the relevant measures. Centralised registries of frozen and confiscated instrumentalities, proceeds, or property should be established at national level for the purpose of facilitating the management of the specific file. The aim of establishing centralised registries is to assist all the relevant authorities responsible for the recovery of criminal property with an accessible record of the property which is frozen, confiscated, or under management, from the moment it is frozen until it is returned to the owner or it is disposed of. Information entered in the registries should be retained only for as long as it is necessary for the purposes of management of the	(43) ~~*To provide a more comprehensive overview of the action taken to freeze and confiscate,*~~ Member States should ~~*establish a central register of frozen, managed and confiscated instrumentalities, proceeds, or property, and collect the necessary statistics on the implementation of the relevant measures. Centralised registries of frozen and confiscated instrumentalities, proceeds, or property should be established at national level for the purpose of facilitating the management of the specific file. The aim of establishing centralised registries is to assist all the relevant*~~***ensure that asset management offices, and as appropriate asset recovery offices, and other competent*** authorities ~~*responsible for the recovery of criminal property with an accessible record of the property which is frozen, confiscated, or under management, from the moment it is frozen until it is returned to the owner or it is disposed of.*~~	(43) To provide a more comprehensive overview of the action taken to freeze and confiscate, Member States should establish a central register of frozen, managed and confiscated instrumentalities, proceeds, or property, and collect the necessary statistics on the implementation of the relevant measures. Centralised registries of frozen and confiscated instrumentalities, proceeds, or property should be established at national level for the purpose of facilitating the management of the specific file. The aim of establishing centralised registries is to assist all the relevant authorities responsible for the recovery of criminal property with an accessible record of the property which is frozen, confiscated, or under management, from the moment it is frozen until it is returned to the owner or it is disposed of. Information entered in the registries should be retained only for as long as it is necessary for the purposes of management of the	(43) ~~*To provide a more comprehensive overview of the action taken to freeze and confiscate,*~~ Member States should ~~*establish a central register of frozen, managed and confiscated instrumentalities, proceeds, or property, and collect the necessary statistics on the implementation of the relevant measures. Centralised registries of frozen and confiscated instrumentalities, proceeds, or property should be established at national level for the purpose of facilitating the management of the specific file. The aim of establishing centralised registries is to assist all the relevant*~~***ensure that asset management offices, and as appropriate asset recovery offices, and other competent*** authorities ~~*responsible for the recovery of criminal property with an accessible record of the property which is frozen, confiscated, or under management, from the moment it is frozen until it is returned to the owner or it is disposed of.*~~

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	specific case, or for the purposes of gathering statistical data collection. For case management purposes, it should not be kept for longer than after the final disposal of the property following a confiscation order, or after its return to the owner in case of acquittal. Access to the information recorded in the centralised registries should be given only to authorities responsible for the recovery of criminal property, such as asset recovery offices, asset management offices, national courts or otherwise appointed authorities according to national dispositions.	~~*Information entered in the registries should be retained only for as long as it is*~~ ***performing tasks pursuant to this Directive have the*** necessary ~~*for the purposes of management of the specific case, or for the purposes of gathering statistical data collection. For case management purposes, it should not be kept for longer than after the final disposal of the*~~ ***tools to ensure an efficient management of frozen and confiscated property. For that purpose, Member States may set up one or more registers of*** property ~~*following a confiscation order, or after its return to the owner in case of acquittal. Access to the information recorded in the centralised registries should be given only to authorities responsible for the recovery of criminal property, such as asset recovery offices, asset management offices, national courts or otherwise appointed authorities according to national dispositions.*~~ ***frozen and confiscated pursuant to this Directive.***	specific case, or for the purposes of gathering statistical data collection. For case management purposes, it should not be kept for longer than after the final disposal of the property following a confiscation order, or after its return to the owner in case of acquittal. Access to the information recorded in the centralised registries should be given only to authorities responsible for the recovery of criminal property, such as asset recovery offices, asset management offices, national courts or otherwise appointed authorities according to national dispositions.	~~*Information entered in the registries should be retained only for as long as it is*~~ ***performing tasks pursuant to this Directive have the*** necessary ~~*for the purposes of management of the specific case, or for the purposes of gathering statistical data collection. For case management purposes, it should not be kept for longer than after the final disposal of the*~~ ***tools to ensure an efficient management of frozen and confiscated property. For that purpose, Member States may set up one or more registers of*** property ~~*following a confiscation order, or after its return to the owner in case of acquittal. Access to the information recorded in the centralised registries should be given only to authorities responsible for the recovery of criminal property, such as asset recovery offices, asset management offices, national courts or otherwise appointed authorities according to national dispositions.*~~ ***frozen and confiscated pursuant to this Directive.*** related to ARt26 Text Origin: Council Mandate
Recital 43a				
52a			***(43a) In order to support the Commission in relation to the***	related to Art27a

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			implementation of this Directive and facilitate the exchange of best practices and operational cooperation relating to this Directive, a network on asset recovery and confiscation should be established under the political guidance of the Commission. The network should be composed of representatives from asset recovery offices and asset management offices and should be co-chaired by a representative of the Commission and, in matters of operational cooperation, by a representative of Europol. It should invite representatives from Europol, Eurojust, the European Public Prosecutors Office, and where appropriate, the Anti-Money Laundering Authority to participate to the meetings of the network.	Council to revert ITM13 27112023
Recital 44				
53	(44) Organised criminal groups operate across borders and increasingly acquire property in Member States other than those in which they are based and in third countries. Given the transnational dimension of organised crime, international cooperation is of the essence to recover the profits and confiscate the financial assets that allow criminals to operate. Member States should therefore ensure that	(44) Organised criminal groups operate across borders and increasingly acquire property in Member States other than those in which they are based and in third countries. Given the transnational dimension of organised crime, international cooperation is of the essence to recover the profits and confiscate the financial assets that allow criminals to operate. Member States should therefore ensure that	(44) Organised criminal groups operate across borders and increasingly acquire property in Member States other than those in which they are based and in third countries. Given the transnational dimension of organised crime, international cooperation is of the essence to recover the profits and confiscate the financial assets that allow criminals to operate. Member States should therefore ensure that	(44) Organised criminal groups operate across borders and increasingly acquire property in Member States other than those in which they are based and in third countries. Given the transnational dimension of organised crime, international cooperation is of the essence to recover the profits and confiscate the financial assets that allow criminals to operate. Member States should therefore ensure that

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	both asset recovery and asset management offices cooperate closely with their counterparts in third countries to trace, identify and manage instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order within the framework of proceedings in criminal matters. Moreover, for the effective implementation of Union restrictive measures, it is of paramount importance for asset recovery offices to cooperate with their counterparts in third countries where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures. In that regard, Member States should ensure that asset recovery offices establish working arrangements with their counterparts in those third countries with which there is an operational cooperation agreement in place that allows for the exchange of operational personal data with Europol or Eurojust.	both asset recovery and asset management offices cooperate***, to the greatest extent possible,*** ~~*closely*~~ with their counterparts in third countries to trace, identify and manage instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order within the framework of proceedings in criminal matters. ~~*Moreover, for the effective implementation of Union restrictive measures, it is of paramount importance for asset recovery offices to cooperate with their counterparts in third countries where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures. In that regard, Member States should ensure that asset recovery offices establish working arrangements with their counterparts in those third countries with which there is an operational cooperation agreement in place that allows for the exchange of operational personal data with Europol or Eurojust.*~~***Member States should make use of existing frameworks for cooperation and are encouraged, but not obliged, to develop or adjust existing bilateral agreements or to accede to existing multilateral conventions or finally to establish new bilateral agreements when no other***	both asset recovery and asset management offices cooperate closely with their counterparts in third countries to trace, identify and manage instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order within the framework of proceedings in criminal matters. Moreover, for the effective implementation of Union restrictive measures, it is of paramount importance for asset recovery offices to cooperate with their counterparts in third countries where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures. In that regard, Member States should ensure that asset recovery offices establish working arrangements with their counterparts in those third countries with which there is an operational cooperation agreement in place that allows for the exchange of operational personal data with Europol or Eurojust.	both asset recovery and asset management offices cooperate***, to the greatest extent possible,*** ~~*closely*~~ with their counterparts in third countries to trace, identify and manage instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order within the framework of proceedings in criminal matters. ~~*Moreover, for the effective implementation of Union restrictive measures, it is of paramount importance for asset recovery offices to cooperate with their counterparts in third countries where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures. In that regard, Member States should ensure that asset recovery offices establish working arrangements with their counterparts in those third countries with which there is an operational cooperation agreement in place that allows for the exchange of operational personal data with Europol or Eurojust.*~~***Member States should make use of existing frameworks for cooperation and are encouraged to develop or adjust existing bilateral agreements or to accede to existing multilateral conventions or finally to establish new bilateral agreements when no other arrangement is in place. The***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		arrangement is in place. The data protection rules set out in Directive (EU) 2016/680 are applicable in relation to measures taken in this respect.		***data protection rules set out in Directive (EU) 2016/680 are applicable in relation to measures taken in this respect.*** Council to revert Text Origin: Council Mandate ITM13 27112023
Recital 45				
G 54	(45) Asset recovery offices should also closely cooperate with EU bodies and agencies, including Europol, Eurojust and the European Public Prosecutor's Office, in accordance with their respective mandates, insofar as it is necessary to trace and identify property within the cross-border investigations supported by Europol and Eurojust or within the investigations undertaken by the European Public Prosecutor's Office. Asset recovery offices should also cooperate with Europol and Eurojust, in accordance with their respective mandates, insofar as it is necessary to trace and identify property to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures.	(45) Asset recovery offices should also closely cooperate with EU bodies and agencies, including Europol, Eurojust and the European Public Prosecutor's Office, in accordance with their respective mandates, insofar as it is necessary to trace and identify property within the cross-border investigations supported by Europol and Eurojust or within the investigations undertaken by the European Public Prosecutor's Office. ***Member States participating in the enhanced cooperation on the establishment of the EPPO should ensure that their*** asset recovery offices ~~*should also cooperate with Europol and Eurojust, in accordance with their respective mandates, insofar as it is necessary to trace and identify property to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures*~~***comply with the***	(45) Asset recovery offices should also closely cooperate with ~~*EU*~~***Union*** bodies and agencies, including Europol~~*, Eurojust*~~ and the European Public Prosecutor's Office, in accordance with their respective mandates, insofar as it is necessary to trace and identify property within the cross-border investigations supported by Europol ~~*and Eurojust*~~ or within the investigations undertaken by the European Public Prosecutor's Office. ***For the purposes of this Directive, when the notion of competent authorities refers to investigating and prosecuting authorities, it should be interpreted as including the central and decentralised levels of the European Public Prosecutor's Office (EPPO) with regard to the Member States that participate in the enhanced cooperation on the establishment of the EPPO.*** Asset	(45) ***(45)*** Asset recovery offices ***and asset management offices*** should also closely cooperate with EU bodies and agencies, including Europol, Eurojust and the European Public Prosecutor's Office, ***within their respective competences and*** in accordance with ~~*their respective mandates*~~***the applicable legal framework***, insofar as it is necessary to trace and identify property within the cross-border investigations supported by Europol and Eurojust or within the investigations undertaken by the European Public Prosecutor's Office. ~~*Asset recovery offices*~~***Member States*** should***, in accordance with their respective obligations under Regulation (EU) 2017/1939 ensure that*** ~~*also cooperate with Europol and Eurojust, in accordance with*~~ their ~~*respective mandates, insofar as it is necessary to trace and identify property to prevent, detect or*~~ G

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		obligations under Council Regulation (EU) 2017/1939, including the reporting obligation provided for by Article 24 thereof, and follow the instructions of and undertake the investigation measures assigned to them by the EPPO, in accordance with Article 28 thereof.	recovery offices should ~~*also*~~***therefore fulfil the obligations under Council Regulation (EU) 2017/1939***[1], including the obligation to report to the EPPO under Article 24 of that Regulation, the undertaking of measures if instructed as a competent authority under Article 28(1) of that Regulation, and access to information under Article 43(1) of that Regulation. In light of their duties established in Article 105 of Regulation (EU) 2017/1939 the Member States who are not participating in the enhanced cooperation on the establishment of the EPPO should ensure that their asset recovery offices are able cooperate with ~~*Europol and Eurojust,*~~***the EPPO in the same manner as an asset recovery office of any other participating Member State in so far as it subject to its cooperation it falls within the remit of the EPPO's competences. Asset recovery offices should also cooperate with Europol*** in accordance with ~~*their respective mandates*~~***its mandate***, insofar as it is necessary to trace and identify property to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures. ***1. Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the***	~~*investigate criminal offences related to the violation of Union restrictive measures*~~***asset recovery offices fulfil therelevant obligations set out in Regulation (EU) 2017/1939. [including notably the obligation to report to the EPPO under Article 24 the obligations concerning the access to information under Article 43(1) and the undertaking of measures if instructed as a competent authority under Article 28(1) of that Regulation***. Council to revert Text Origin: Council Mandate ITM15 06122023

		Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
				European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).		
	Recital 45a					
G	54a			***(45a) In accordance with its mandate, Eurojust should support national authorities in all stages of the asset recovery process from the tracing and identification, freezing, confiscation and asset management of assets to the disposal of assets. Asset recovery offices and asset management offices should closely cooperate with Eurojust for the purpose of facilitating the entire asset recovery process. Such cooperation encompasses the tracing and identification of instrumentalities, proceeds, or property that can become or is the object of a freezing or confiscation order made by a competent authority in the course of proceedings in criminal matters and subsequent disposal, including the investigation and prosecution of criminal offences related to the violation of Union restrictive measures.***	***(45a) deleted*** to be consistent with the new ARt28 (related recital before) new green line ITM13 27112023	G
	Recital 46					
Y	55	(46) In order to ensure that there is a common understanding and minimum standards for asset tracing	(46) In order to ensure that there is a common understanding and minimum standards for asset tracing	(46) In order to ensure that there is a common understanding and minimum standards for asset tracing	(46) In order to ensure that there is a common understanding and minimum standards for asset tracing	Y

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	and identification, freezing and management, this Directive should lay down minimum rules for the relevant measures as well as related safeguards. The adoption of minimum rules does not prevent Member States from granting more extensive powers to asset recovery offices or to asset management offices, or to provide for additional safeguards under national law, provided that such national measures and provisions do not undermine the objective of this Directive.	and identification, freezing, ***confiscation*** and management, this Directive should lay down minimum rules for the relevant measures as well as related safeguards. The adoption of minimum rules does not prevent Member States from granting more extensive powers to asset recovery offices or to asset management offices, or to provide for ***more extensive rules on freezing and confiscation, including, for example, in relation to their rules on evidence or in relation to the scope of applicability of extended confiscation or confiscation of unexplained wealth, or to provide for*** additional safeguards under national law***, for example hearing the affected person before an interlocutory sale***, provided that such national measures and provisions do not undermine the objective of this Directive.	and identification, freezing and management, this Directive should lay down minimum rules for the relevant measures as well as related safeguards. The adoption of minimum rules does not prevent Member States from granting more extensive powers to asset recovery offices or to asset management offices, or to provide for additional safeguards under national law, provided that such national measures and provisions do not undermine the objective of this Directive.	and identification, freezing, ***confiscation*** and management, this Directive should lay down minimum rules for the relevant measures as well as related safeguards. The adoption of minimum rules does not prevent Member States from granting more extensive powers to asset recovery offices or to asset management offices, or to provide for ~~*additional safeguards under national law,*~~***more extensive rules on freezing and confiscation*** provided that such national measures and provisions do not undermine the objective of this Directive. Council to revert Text Origin: Council Mandate ITM13 27112023
Recital 47				
56	(47) Since the objective of this Directive, namely facilitating confiscation of property in criminal matters, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European	(47) Since the objective of this Directive, namely facilitating confiscation of property in criminal matters, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European	(47) Since the objective of this Directive, namely facilitating confiscation of property in ***proceedings in*** criminal matters, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of	(47) Since the objective of this Directive, namely facilitating confiscation of property in ***proceedings in*** criminal matters, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of

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	Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective. new green line Text Origin: EP Mandate ITM13 27112023
Recital 48				
G 57	(48) As this Directive provides for a comprehensive set of rules, which would overlap with already existing legal instruments, it should replace Council Joint Action 98/699/JHA[1], Council Framework Decision 2001/500/JHA[2], Framework Decision 2005/212/JHA, Decision 2007/845/JHA, and Directive 2014/42/EU with regard to the Member States bound by this Directive. _____ 1. Joint Action 98/699/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime (OJ L 333, 9.12.1998, p.1). 2. Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and	(48) As this Directive provides for a comprehensive set of rules, which would overlap with already existing legal instruments, it should replace Council Joint Action 98/699/JHA[1], Council Framework Decision 2001/500/JHA[2], Framework Decision 2005/212/JHA, Decision 2007/845/JHA, and Directive 2014/42/EU with regard to the Member States bound by this Directive. _____ 1. Joint Action 98/699/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime (OJ L 333, 9.12.1998, p.1). 2. Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and	(48) As this Directive provides for a comprehensive set of rules, which would overlap with already existing legal instruments, it should replace Council Joint Action 98/699/JHA[1], Council Framework Decision 2001/500/JHA[2], Framework Decision 2005/212/JHA, Decision 2007/845/JHA, and Directive 2014/42/EU with regard to the Member States bound by this Directive. _____ 1. Joint Action 98/699/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime (OJ L 333, 9.12.1998, p.1). 2. Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and	(48) As this Directive provides for a comprehensive set of rules, which would overlap with already existing legal instruments, it should replace Council Joint Action 98/699/JHA[1], Council Framework Decision 2001/500/JHA[2], Framework Decision 2005/212/JHA, Decision 2007/845/JHA, and Directive 2014/42/EU with regard to the Member States bound by this Directive. G _____ 1. Joint Action 98/699/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds from crime (OJ L 333, 9.12.1998, p.1). 2. Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1).	confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1).	confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1).	confiscation of instrumentalities and the proceeds of crime (OJ L 182, 5.7.2001, p. 1). new green line Text Origin: Commission Proposal
Recital 49				
G 58	(49) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and to the Treaty of the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(49) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and to the Treaty of the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(49) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and to the Treaty of the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(49) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and to the Treaty of the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application. new green line Text Origin: Commission Proposal
Recital 50				
G 59	(50) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Directive.]	(50) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Directive.]	(50) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Directive.]	(50) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Directive.]

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	[or] [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.]	[or] [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.]	[or] [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.]	[or] [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.] new green line Text Origin: Commission Proposal
Recital 51				
60	(51) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered an opinion on XX/XX/20XX.	(51) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered an opinion ~~on XX/XX/20XX~~***on 19/07/2022***.	(51) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered an opinion on ~~XX/XX/20XX~~***19 July 2022***.	(51) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered an opinion ~~on XX/XX/20XX~~***on 19/07/2022***. new green line Text Origin: Council Mandate
Formula				
61	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Commission Proposal
CHAPTER I				
62	CHAPTER I GENERAL PROVISIONS	CHAPTER I ~~*GENERAL PROVISIONS*~~***General provisions***	CHAPTER I GENERAL PROVISIONS	CHAPTER I ~~*GENERAL PROVISIONS*~~***General provisions*** Text Origin: Council Mandate TM1 04072023
Article 1				
63	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter Text Origin: Commission Proposal
Article 1(1)				
64	1. This Directive establishes minimum rules on the tracing and identification, freezing, confiscation, and management of property within the framework of proceedings in criminal matters.	1. This Directive establishes minimum rules on the tracing and identification, freezing, confiscation, and management of property within the framework of proceedings in criminal matters. ***These rules are without prejudice to the procedures that Member States may use to freeze and confiscate the property in question. This Directive applies without prejudice to freezing and confiscation measures within the framework of proceedings in civil or administrative matters.***	1. This Directive establishes minimum rules on the tracing and identification, freezing, confiscation, and management of property within the framework of proceedings in criminal matters.	1. This Directive establishes minimum rules on the tracing and identification, freezing, confiscation, and management of property within the framework of proceedings in criminal matters. ***This Directive applies without prejudice to freezing and confiscation measures within the framework of proceedings in civil or administrative matters.*** Text Origin: Council Mandate TM1 04072023 TM4 04092023

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Confirmation during the trilogue on 3 October 2023
Article 1(2)				
R 65	2. This Directive also establishes rules to facilitate the effective implementation of Union restrictive measures and the subsequent recovery of related property where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures.	2. ~~*This Directive also establishes rules to facilitate the effective implementation of Union restrictive measures and the subsequent recovery of related property where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures.*~~	2. This Directive also establishes rules to facilitate the effective implementation of Union restrictive measures and the ***tracing and*** subsequent recovery of related property where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures.	2. ~~*This Directive also establishes rules to facilitate the effective implementation of Union restrictive measures and the subsequent recovery of related property where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures.*~~ Council insists on deletion; the line to remain open for now. To be considered together with Article 1(2), 3(11), 3(12), 4(2), 5(2)(d), 5(3), 5(4)/ Recitals (6) and (7) Related mainly to Article 5(3). trilogue Text Origin: Council Mandate
Article 2				
G 66	Article 2 Scope	Article 2 Scope	Article 2 Scope	Article 2 Scope Text Origin: Commission Proposal
Article 2(1)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
67	1. This Directive shall apply to the following criminal offences:	1. This Directive shall apply to ***criminal offences covered by the*** ~~*the following criminal offences*~~:	1. This Directive shall apply to the following criminal offences:	1. This Directive shall apply to ***criminal offences covered by the*** ~~*the following criminal offences*~~: Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(1), point (a)				
68	(a) participation in a criminal organisation, as defined in Council Framework Decision 2008/841/JHA[1]; 1. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).	(a) ~~*participation in a criminal organisation, as defined in Council Framework Decision 2008/841/JHA*~~ ***Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime***[1]; 1. ~~*Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (*~~OJ L 300, 11.11.2008, p. 42~~*)*~~.	(a) participation in a criminal organisation, as defined in Council Framework Decision 2008/841/JHA[1]; 1. Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (OJ L 300, 11.11.2008, p. 42).	(a) ~~*participation in a criminal organisation, as defined in Council Framework Decision 2008/841/JHA*~~ ***Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime***[1]; 1. ~~*Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime (*~~OJ L 300, 11.11.2008, p. 42~~*)*~~. Text Origin: Council Mandate TM1 04072023Confirmation during the trilogue on 3 October 2023
Article 2(1), point (b)				
69	(b) terrorism, as defined in Directive (EU) 2017/541 of the European Parliament and of the Council[1]; 1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March	(b) ~~*terrorism, as defined in*~~ Directive (EU) 2017/541 of the European Parliament and of the Council ***of 15 March 2017 on combating terrorism and replacing Council Framework Decision***	(b) terrorism, as defined in Directive (EU) 2017/541 of the European Parliament and of the Council[1]; 1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March	(b) ~~*terrorism, as defined in*~~ Directive (EU) 2017/541 of the European Parliament and of the Council ***of 15 March 2017 on combating terrorism and replacing Council Framework Decision***

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).	***2002/475/JHA and amending Council Decision 2005/671/JHA[1];*** ~~1~~; 1. ~~*Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (*~~OJ L 88, 31.3.2017, p. ~~6)~~ ***6***.	2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).	***2002/475/JHA and amending Council Decision 2005/671/JHA[1];*** ~~1~~; 1. ~~*Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (*~~OJ L 88, 31.3.2017, p. ~~6)~~ ***6***. Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(1), point (c)				
70	(c) trafficking in human beings, as defined in Directive 2011/36/EU of the European Parliament and of the Council[1]; 1. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).	(c) ~~*trafficking in human beings, as defined in*~~ Directive 2011/36/EU of the European Parliament and of the Council ***of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA[1];*** ~~1~~; 1. ~~*Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (*~~OJ L 101, 15.4.2011, p. ~~1)~~ ***1***.	(c) trafficking in human beings, as defined in Directive 2011/36/EU of the European Parliament and of the Council[1]; 1. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).	(c) ~~*trafficking in human beings, as defined in*~~ Directive 2011/36/EU of the European Parliament and of the Council ***of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA[1];*** ~~1~~; 1. ~~*Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (*~~OJ L 101, 15.4.2011, p. ~~1)~~ ***1***. Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(1), point (d)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
71	(d) sexual exploitation of children and child pornography, as defined in Directive 2011/93/EU of the European Parliament and of the Council[1]; 1. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).	(d) ~~*sexual exploitation of children and child pornography, as defined in Directive 2011/93/EU of the European Parliament and of the*~~ ***Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing*** Council ***Framework Decision 2004/68/JHA[1];*** ~~*1*~~; 1. ~~*Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA*~~ (OJ L 335, 17.12.2011, p. ~~*1)*~~ ***1***.	(d) sexual exploitation of children and child pornography, as defined in Directive 2011/93/EU of the European Parliament and of the Council[1]; 1. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).	(d) ~~*sexual exploitation of children and child pornography, as defined in Directive 2011/93/EU of the European Parliament and of the*~~ ***Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing*** Council ***Framework Decision 2004/68/JHA[1];*** ~~*1*~~; 1. ~~*Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA*~~ (OJ L 335, 17.12.2011, p. ~~*1)*~~ ***1***. Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(1), point (e)				
72	(e) illicit trafficking in narcotic drugs and psychotropic substances, as defined in Council Framework Decision 2004/757/JHA[1]; 1. Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking (OJ L 335, 11.11.2004, p. 8).	(e) ~~*illicit trafficking in narcotic drugs and psychotropic substances, as defined in Council Framework Decision 2004/757/JHA*~~***Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking***[1];	(e) illicit trafficking in narcotic drugs and psychotropic substances, as defined in Council Framework Decision 2004/757/JHA[1]; 1. Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking (OJ L 335, 11.11.2004, p. 8).	(e) ~~*illicit trafficking in narcotic drugs and psychotropic substances, as defined in Council Framework Decision 2004/757/JHA*~~***Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking***[1];

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		_____ 1. ~~*Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking (*~~OJ L 335, 11.11.2004, p. ~~*8)*~~ ***8***.	PUBLIC	_____ 1. ~~*Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking (*~~OJ L 335, 11.11.2004, p. ~~*8)*~~ ***8***. Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(1), point (f)				
73	(f) corruption, as defined in the Convention drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of the Member States of the European Union[1] and in the Council Framework Decision 2003/568/JHA[2]; _____ 1. OJ C 195, 25.6.1997, p. 1. 2. Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54).	(f) ~~*corruption, as defined in the*~~ Convention drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of the Member States of the European Union[1] and ~~*in the*~~ Council Framework Decision 2003/568/JHA ***of 22 July 2003 on combating corruption in the private sector***[2]; _____ 1. OJ C 195, 25.6.1997, p. 1. 2. ~~*Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (*~~OJ L 192, 31.7.2003, p. 54~~*)*~~.	(f) corruption, as defined in the Convention drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of the Member States of the European Union[1] and in the Council Framework Decision 2003/568/JHA[2]; _____ 1. OJ C 195, 25.6.1997, p. 1. 2. Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003, p. 54).	(f) ~~*corruption, as defined in the*~~ Convention drawn up on the basis of Article K.3(2)(c) of the Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of the Member States of the European Union[1] and ~~*in the*~~ Council Framework Decision 2003/568/JHA ***of 22 July 2003 on combating corruption in the private sector***[2]; _____ 1. OJ C 195, 25.6.1997, p. 1. 2. ~~*Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (*~~OJ L 192, 31.7.2003, p. 54~~*)*~~. Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(1), point (g)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 74	(g) money laundering, as defined in Directive (EU) 2018/1673 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ L 284, 12.11.2018, p. 22).	(g) ~~*money laundering, as defined in*~~ Directive (EU) 2018/1673 of the European Parliament and of the Council ***of 23 October 2018 on combating money laundering by criminal law[1];*** ~~+~~; _____ 1. ~~*Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (*~~OJ L 284, 12.11.2018, p. 22~~*).~~	(g) money laundering, as defined in Directive (EU) 2018/1673 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ L 284, 12.11.2018, p. 22).	(g) ~~*money laundering, as defined in*~~ Directive (EU) 2018/1673 of the European Parliament and of the Council ***of 23 October 2018 on combating money laundering by criminal law[1];*** ~~+~~; _____ 1. ~~*Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (*~~OJ L 284, 12.11.2018, p. 22~~*).~~ Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023 G
Article 2(1), point (h)				
G 75	(h) forgery of means of payment, as defined in Directive (EU) 2019/713 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (OJ L 123, 10.5.2019, p. 18).	(h) ~~*forgery of means of payment, as defined in*~~ Directive (EU) 2019/713 of the European Parliament and of the Council ***of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA[1];*** ~~+~~; _____ 1. ~~*Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (*~~OJ L 123, 10.5.2019, p. 18~~*).~~	(h) forgery of means of payment, as defined in Directive (EU) 2019/713 of the European Parliament and of the Council[1]; _____ 1. Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (OJ L 123, 10.5.2019, p. 18).	(h) ~~*forgery of means of payment, as defined in*~~ Directive (EU) 2019/713 of the European Parliament and of the Council ***of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA[1];*** ~~+~~; _____ 1. ~~*Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA (*~~OJ L 123, 10.5.2019, p. 18~~*).~~ Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023 G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 2(1), point (i)				
76	(i) counterfeiting currency, including the euro, as defined in Directive 2014/62/EU of the European Parliament and of the Council[1]; _____ 1. Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law (OJ L 151, 21.5.2014, p. 1).	(i) ~~*counterfeiting currency, including the euro, as defined in Directive 2014/62/EU of the European Parliament and of the Council[1];*~~ ***Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law[1];*** _____ 1. ~~*Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law (*~~OJ L 151, 21.5.2014, p. ~~*1)*~~ ***1***.	(i) counterfeiting currency, including the euro, as defined in Directive 2014/62/EU of the European Parliament and of the Council[1]; _____ 1. Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law (OJ L 151, 21.5.2014, p. 1).	(i) ~~*counterfeiting currency, including the euro, as defined in Directive 2014/62/EU of the European Parliament and of the Council[1];*~~ ***Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law[1];*** _____ 1. ~~*Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law (*~~OJ L 151, 21.5.2014, p. ~~*1)*~~ ***1***. Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(1), point (j)				
77	(j) computer-related crime, as defined in Directive 2013/40/EU of the European Parliament and of the Council[1]; _____ 1. Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA (OJ L 218, 14.8.2013, p. 8).	(j) ~~*computer-related crime, as defined in*~~ Directive 2013/40/EU of the European Parliament and of the Council ***of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA***[1]; _____ 1. ~~*Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems*~~	(j) computer-related crime, as defined in Directive 2013/40/EU of the European Parliament and of the Council[1]; _____ 1. Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA (OJ L 218, 14.8.2013, p. 8).	(j) ~~*computer-related crime, as defined in*~~ Directive 2013/40/EU of the European Parliament and of the Council ***of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA***[1]; _____ 1. ~~*Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems*~~

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		~~*and replacing Council Framework Decision 2005/222/JHA (*~~OJ L 218, 14.8.2013, p.~~*8)*~~ ***8***.		~~*and replacing Council Framework Decision 2005/222/JHA (*~~OJ L 218, 14.8.2013, p.~~*8)*~~ ***8***. Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(1), point (k)				
78	(k) illicit trafficking in weapons, munitions and explosives, as defined in the Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against transnational organized crime[1]; 1. OJ L 89, 25.3.2014, p. 7.	(k) ~~*illicit trafficking in weapons, munitions and explosives, as defined in the*~~ Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against transnational organized crime[1]; 1. OJ L 89, 25.3.2014, p. 7.	(k) illicit trafficking in weapons, munitions and explosives, as defined in the Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against transnational organized crime[1]; 1. OJ L 89, 25.3.2014, p. 7.	(k) ~~*illicit trafficking in weapons, munitions and explosives, as defined in the*~~ Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against transnational organized crime[1]; 1. OJ L 89, 25.3.2014, p. 7. Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(1), point (l)				
79	(l) fraud, including fraud and other criminal offences affecting the Union's financial interests as defined in Directive (EU) 2017/1371 of the European Parliament and of the Council[1]; 1. Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law	(l) ~~*fraud, including fraud and other criminal offences affecting the Union's financial interests as defined in Directive (EU) 2017/1371 of the European Parliament and of the Council*~~[1]~~;~~ ***Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of***	(l) fraud, including fraud and other criminal offences affecting the Union's financial interests as defined in Directive (EU) 2017/1371 of the European Parliament and of the Council[1]; 1. Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law	(l) ~~*fraud, including fraud and other criminal offences affecting the Union's financial interests as defined in Directive (EU) 2017/1371 of the European Parliament and of the Council*~~[1]~~;~~ ***Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of***

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	(OJ L 198, 28.7.2017, p. 29).	***criminal law[1];*** 1. ~~*Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law*~~ (OJ L 198, 28.7.2017, p. 29~~)~~.	(OJ L 198, 28.7.2017, p. 29).	***criminal law[1];*** 1. ~~*Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law*~~ (OJ L 198, 28.7.2017, p. 29~~)~~. Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(1), point (m)				
80	(m) environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties as defined in in Directive 2008/99/EC of the European Parliament and of the Council[1], as well as offences related to ship pollution as defined in Directive 2005/35/EC as amended by Directive 2009/123/EC[2]; 1. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28). 2. Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements (OJ L 280, 27.10.2009, p. 52).	(m) ~~*environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties as defined in in*~~ ***Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law[1] and Directive 2005/35/EC as amended by*** Directive ~~*2008/99/EC*~~***2009/123/EC*** of the European Parliament and of the Council***[1]***~~*, as well as offences related to ship pollution as defined in Directive 2005/35/EC as amended by Directive 2009/123/EC[2];*~~ ***of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements[2]***; 1. ~~*Directive 2008/99/EC of the European Parliament and of the Council of 19*~~	(m) environmental crime~~, including illicit trafficking in endangered animal species and in endangered plant species and varieties as defined in in~~ ***as defined in Directive XXX/XXX/EU of the European Parliament and of the Council [Proposal for a*** Directive ~~*2008/99/EC*~~ of the European Parliament and of the Council***[1]***~~*, as well as offences related to ship pollution as defined in*~~ ***on the protection of the environment through criminal law and replacing*** Directive ~~*2005/35/EC as amended by Directive 2009/123/EC[2];*~~***2008/99/EC][1]***; 1. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28). ~~*2. Directive 2009/123/EC of the European Parliament and of the Council of 21 October*~~	(m) ~~*environmental crime, including illicit trafficking in endangered animal species and in endangered plant species and varieties as defined in in*~~ ***Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law[1] and Directive 2005/35/EC as amended by*** Directive ~~*2008/99/EC*~~***2009/123/EC*** of the European Parliament and of the Council***[1]***~~*, as well as offences related to ship pollution as defined in Directive 2005/35/EC as amended by Directive 2009/123/EC[2];*~~ ***of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements[2]***; 1. ~~*Directive 2008/99/EC of the European Parliament and of the Council of 19*~~

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		~~November 2008~~***~~OJ L 328, 6.12.2008, p. 28.~~ The reference to the 2008 and 2009 Directives will be replaced with a reference to the not yet adopted Directive*** on the protection of the environment through criminal law***, if that Directive will be adopted before the finalisation of the current text*** ~~(OJ L 328, 6.12.2008, p. 28)~~. 2. ~~Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements (~~OJ L 280, 27.10.2009, p. 52~~).~~.	~~2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements (OJ L 280, 27.10.2009, p. 52).~~	~~November 2008~~***~~OJ L 328, 6.12.2008, p. 28.~~ The reference to the 2008 and 2009 Directives will be replaced with a reference to the not yet adopted Directive*** on the protection of the environment through criminal law***, if that Directive will be adopted before the finalisation of the current text*** ~~(OJ L 328, 6.12.2008, p. 28)~~. 2. ~~Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements (~~OJ L 280, 27.10.2009, p. 52~~).~~. Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(1), point (n)				
G 81	(n) facilitation of unauthorised entry and residence, as defined in Council Framework Decision 2002/946/JHA[1], and Council Directive 2002/90/EC[2]; 1. Council Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 1). 2. Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 17).	(n) ~~facilitation of unauthorised entry and residence, as defined in Council Framework Decision 2002/946/JHA~~***Council Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence***[1], and Council Directive 2002/90/EC ***defining the facilitation of unauthorised entry, transit and residence***[2]***;*** ~~2~~; 1. ~~Council Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (~~OJ L 328, 5.12.2002, p.~~ ~~1)~~ ***1***. 2. ~~Directive 2002/90/EC defining the~~	(n) facilitation of unauthorised entry and residence, as defined in Council Framework Decision 2002/946/JHA[1], and Council Directive 2002/90/EC~~2~~; 1. Council Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 1). ~~2~~. ~~Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 17).~~	(n) ~~facilitation of unauthorised entry and residence, as defined in Council Framework Decision 2002/946/JHA~~***Council Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence***[1], and Council Directive 2002/90/EC ***defining the facilitation of unauthorised entry, transit and residence***[2]***;*** ~~2~~; 1. ~~Council Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (~~OJ L 328, 5.12.2002, p.~~ ~~1)~~ ***1***. 2. ~~Directive 2002/90/EC defining the~~ G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		~~facilitation of unauthorised entry, transit and residence (~~OJ L 328, 5.12.2002, p. 17~~).~~		~~facilitation of unauthorised entry, transit and residence (~~OJ L 328, 5.12.2002, p. 17~~).~~ Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(1), point (na)				
81a		***(o) Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive)[1];*** ***1. OJ L 173, 12.6.2014, p. 179.***		***(o) Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive)[1];*** ***1. OJ L 173, 12.6.2014, p. 179.*** Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(1), point (nb)				
81b		***(p) Directive [x] of the European Parliament and of the Council on the definition of criminal offences and penalties for the violation of Union restrictive measures.***		***(p) Directive [x] of the European Parliament and of the Council on the definition of criminal offences and penalties for the violation of Union restrictive measures.*** Text Origin: Council Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(2)				
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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	2. This Directive shall apply to the following offences to the extent that the offence is committed within the framework of a criminal organisation:	2. This Directive shall apply to ~~the following~~ ***criminal*** offences***, where*** ~~to the extent that~~ the offence is committed within the framework of a criminal organisation~~:~~ ***as defined in Council Framework Decision 2008/841/JHA and is punishable by deprivation of liberty of a maximum of at least four years.***	2. This Directive shall apply to the following offences to the extent that the offence is committed within the framework of a criminal organisation:	2. This Directive shall apply to the ~~following~~***criminal*** offences ~~to the extent that the offence is committed within the framework of a criminal organisation:~~***committed within the framework of a criminal organisation as they are referred to in Article 1(1) Council Framework Decision 2008/841/JHA.*** TM1 04072023 TM6 22092023 agreement at trilogue 03102023- rewording at ITM 7 13102023
Article 2(2), point (a)				
83	(a) counterfeiting and piracy of products;	*deleted*	*(a)* counterfeiting and piracy of products;	(a) ~~counterfeiting and piracy of products;~~***deleted*** ITM 7 13102023
Article 2(2), point (b)				
84	(b) illicit trafficking in cultural goods, including antiques and works of art;	*deleted*	*(b)* illicit trafficking in cultural goods, including antiques and works of art;	(b) ~~illicit trafficking in cultural goods, including antiques and works of art;~~***deleted*** ITM 7 13102023
Article 2(2), point (c)				
85	(c) forgery of administrative documents and trafficking therein;	*deleted*	*(c)* forgery of administrative documents and trafficking therein;	(c) ~~forgery of administrative documents and trafficking therein;~~***deleted***

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				ITM 7 13102023
Article 2(2), point (d)				
86	(d) murder or grievous bodily injury;	*deleted*	*(d)* murder or grievous bodily injury;	(d) ~~*murder or grievous bodily injury;*~~***deleted*** ITM 7 13102023
Article 2(2), point (e)				
87	(e) illicit trade in human organs and tissue;	*deleted*	*(e)* illicit trade in human organs and tissue;	(e) ~~*illicit trade in human organs and tissue;*~~***deleted*** ITM 7 13102023
Article 2(2), point (f)				
88	(f) kidnapping, illegal restraint or hostage-taking;	*deleted*	*(f)* kidnapping, illegal restraint or hostage-taking;	(f) ~~*kidnapping, illegal restraint or hostage-taking;*~~***deleted*** ITM 7 13102023
Article 2(2), point (g)				
89	(g) organised or armed robbery;	*deleted*	*(g)* organised or armed robbery;	(g) ~~*organised or armed robbery;*~~***deleted*** ITM 7 13102023
Article 2(2), point (h)				
90	(h) racketeering and extortion;	*deleted*	*(h)* racketeering and extortion;	(h) ~~*racketeering and extortion;*~~***deleted***

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				ITM 7 13102023
Article 2(2), point (i)				
91	(i) trafficking in stolen vehicles;	*deleted*	*(i)* trafficking in stolen vehicles;	(i) ~~*trafficking in stolen vehicles;*~~***deleted*** ITM 7 13102023
Article 2(2), point (j)				
92	(j) tax crimes relating to direct taxes and indirect taxes and as defined in the national law of the Member States, which are punishable by deprivation of liberty or a detention order of at least one year.	*deleted*	*(j)* tax crimes relating to direct taxes and indirect taxes and as defined in the national law of the Member States, which are punishable by deprivation of liberty or a detention order of at least one year.	(j) ~~*tax crimes relating to direct taxes and indirect taxes and as defined in the national law of the Member States, which are punishable by deprivation of liberty or a detention order of at least one year.*~~***deleted*** ITM 7 13102023
Article 2(2), point (ja)				
92a			***(ja) illicit trafficking in nuclear or radioactive materials;***	***(ja) deleted*** ITM 7 13102023
Article 2(2), point (jb)				
92b			***(jb) crimes within the jurisdiction of the International Criminal Court;***	***(jb) deleted*** ITM 7 13102023
Article 2(2), point (jc)				

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
92c			***(jc) the unlawful seizure of aircraft or ships;***	***(jc) deleted*** ITM 7 13102023
Article 2(2), point (jd)				
92d			***(jd) sabotage;***	***(jd) deleted*** ITM 7 13102023
Article 2(2), point (je)				
92e			***(je) illicit trafficking in hormonal substances and other growth promoters;***	***(je) deleted*** ITM 7 13102023
Article 2(2), point (jf)				
92f			***(jf) arson;***	***(jf) deleted*** ITM 7 13102023
Article 2(2), point (jg)				
92g			***(jg) rape;***	***(jg) deleted*** ITM 7 13102023
Article 2(2), point (jh)				
92h			***(jh) swindling;***	***(jh) deleted*** ITM 7 13102023

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 2(2), point (ji)				
92i			***(ji) racism and xenophobia;***	***(ji) deleted*** ITM 7 13102023
Article 2(3)				
93	3. [This Directive shall apply to the violation of Union restrictive measures as defined in the Directive of the European Parliament and of the Council].	*deleted*	*3.* [This Directive shall apply to the violation of Union restrictive measures as defined in the Directive of the European Parliament and of the Council].	3. ~~*[This Directive shall apply to the violation of Union restrictive measures as defined in the Directive of the European Parliament and of the Council].*~~***deleted*** Confirmation during the trilogue on 3 October 2023
Article 2(4)				
94	4. This Directive shall apply to any other criminal offences set out in other Union legal acts if they provide specifically that this Directive applies to the criminal offences defined therein.	4. This Directive shall apply to any other criminal offences set out in other Union legal acts if they provide specifically that this Directive applies to the criminal offences defined therein.	4. This Directive shall apply to any other criminal offences set out in other Union legal acts if they provide specifically that this Directive applies to the criminal offences defined therein.	4. This Directive shall apply to any other criminal offences set out in other Union legal acts if they provide specifically that this Directive applies to the criminal offences defined therein. Text Origin: Commission Proposal TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 2(5)				
95	5. The provisions on tracing and identification of instrumentalities and proceeds, or property in Chapter	5. The provisions on tracing and identification of instrumentalities and proceeds, or property in Chapter	5. The provisions on tracing and identification of instrumentalities and proceeds, or property in Chapter	5. The provisions on tracing and identification of instrumentalities and proceeds, or property in Chapter

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	II shall apply to all criminal offences as defined in national law which are punishable by deprivation of liberty or a detention order of at least one year.	II shall apply to all criminal offences as defined in national law which are punishable by deprivation of liberty or a detention order of at least one year.	II shall apply to all criminal offences as defined in national law which are punishable by deprivation of liberty or a detention order of at least one year.	II shall apply to all criminal offences as defined in national law which are punishable by deprivation of liberty or a detention order of at least one year. Text Origin: Commission Proposal TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 3				
96	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions Text Origin: Commission Proposal
Article 3, first paragraph				
97	For the purpose of this Directive, the following definitions apply:	For the purpose of this Directive, the following definitions apply:	For the purpose of this Directive, the following definitions apply:	For the purpose of this Directive, the following definitions apply: Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 3, first paragraph, point (1)				
98	(1) ‘proceeds’ means any economic advantage derived directly or indirectly from a criminal offence consisting of any form of property, and including any subsequent	(1) ‘proceeds’ means any economic advantage derived directly or indirectly from a criminal offence consisting of any form of property, and including any subsequent	(1) ‘proceeds’ means any economic advantage derived directly or indirectly from a criminal offence consisting of any form of property, and including any subsequent	(1) ‘proceeds’ means any economic advantage derived directly or indirectly from a criminal offence consisting of any form of property, and including any subsequent

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	reinvestment or transformation of direct proceeds and any valuable benefits;	reinvestment or transformation of direct proceeds and any valuable benefits;	reinvestment or transformation of direct proceeds and any valuable benefits;	reinvestment or transformation of direct proceeds and any valuable benefits; Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 3, first paragraph, point (2)				
G 99	(2) 'property' means property of any description, whether corporeal or incorporeal, movable or immovable, and legal documents or instruments evidencing title or interest in such property;	(2) 'property' means property of any description, whether corporeal or incorporeal, movable or immovable, and legal documents or instruments evidencing title or interest in such property;	(2) 'property' means property of any description, whether corporeal or incorporeal, movable or immovable, ***including crypto-assets*** and legal documents or instruments ***in any form,*** evidencing title or interest in such property;	(2) 'property' means property of any description, whether corporeal or incorporeal, movable or immovable, ***including crypto-assets*** and legal documents or instruments ***in any form,*** evidencing title or interest in such property; Text Origin: EP Mandate TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 3, first paragraph, point (3)				
G 100	(3) 'instrumentalities' means any property used or intended to be used, in any manner, wholly or partially, to commit a criminal offence;	(3) 'instrumentalities' means any property used or intended to be used, in any manner, wholly or partially, to commit a criminal offence;	(3) 'instrumentalities' means any property used or intended to be used, in any manner, wholly or partially, to commit a criminal offence;	(3) 'instrumentalities' means any property used or intended to be used, in any manner, wholly or partially, to commit a criminal offence; Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 3, first paragraph, point (4)				

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 101	(4) 'tracing and identification' means any investigation by competent authorities to determine instrumentalities, proceeds, or property that may be derived from criminal activities;	(4) 'tracing and identification' means any investigation by competent authorities to determine instrumentalities, proceeds, or property that may be derived from criminal activities;	(4) 'tracing and identification' means any investigation by competent authorities to determine instrumentalities, proceeds, or property that may be derived from criminal activities;	(4) 'tracing and identification' means any investigation by competent authorities to determine instrumentalities, proceeds, or property that may be derived from criminal activities; Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 3, first paragraph, point (5)				
G 102	(5) 'freezing' means the temporary prohibition of the transfer, destruction, conversion, disposal or movement of property or temporarily assuming custody or control of property;	(5) 'freezing' means the temporary prohibition of the transfer, destruction, conversion, disposal or movement of property or temporarily assuming custody or control of property;	(5) 'freezing' means the temporary prohibition of the transfer, destruction, conversion, disposal or movement of property or temporarily assuming custody or control of property;	(5) 'freezing' means the temporary prohibition of the transfer, destruction, conversion, disposal or movement of property or temporarily assuming custody or control of property; Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 3, first paragraph, point (6)				
G 103	(6) 'confiscation' means a final deprivation of property ordered by a court in relation to a criminal offence;	(6) 'confiscation' means a final deprivation of property ordered by a ~~court~~ ***judicial authority*** in relation to a criminal offence ***or criminal conduct***;	(6) 'confiscation' means a final deprivation of property ordered by a court in relation to a criminal offence;	(6) 'confiscation' means a final deprivation of property ordered by a court in relation to a criminal offence; Text Origin: Commission Proposal TM6 22092023 Confirmation during the

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				trilogue on 3 October 2023
Article 3, first paragraph, point (7)				
104	(7) 'SIENA' means the secure information exchange network application, managed by Europol, aimed at facilitating the exchange of information between Member States and Europol;	*deleted*	*(7)* 'SIENA' means the secure information exchange network application, managed by Europol, aimed at facilitating the exchange of information between Member States and Europol;	(7) ~~*'SIENA' means the secure information exchange network application, managed by Europol, aimed at facilitating the exchange of information between Member States and Europol;*~~ - new green line TM1 04072023 ITM10 13112023
Article 3, first paragraph, point (8)				
105	(8) 'criminal organisation' means a criminal organisation as defined in Article 1 of the Council Framework Decision 2008/841/JHA;	(8) 'criminal organisation' means a criminal organisation as defined in Article 1 of the Council Framework Decision 2008/841/JHA;	(8) 'criminal organisation' means a criminal organisation as defined in Article 1 of the Council Framework Decision 2008/841/JHA;	(8) 'criminal organisation' means a criminal organisation as defined in Article 1 of the Council Framework Decision 2008/841/JHA; Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 3, first paragraph, point (9)				
106	(9) 'victim' means a victim as defined in Article 2(1), point (a), of Directive 2012/29/EU of the European Parliament and of the Council,[1] as well as a legal person, as defined in national law, that has	(9) 'victim' means a victim as defined in Article ~~*2(1), point (a),*~~2 of Directive 2012/29/EU of the European Parliament and of the Council~~,[1] *as well as a legal person, as defined in national law, that has*~~	(9) 'victim' means a victim as defined in Article 2(1), point (a), of Directive 2012/29/EU of the European Parliament and of the Council,[1] as well as a legal person, as defined in national law, that has	(9) 'victim' means a victim as defined in Article 2(1), point (a), of Directive 2012/29/EU of the European Parliament and of the Council,[1] as well as a legal person, as defined in national law, that has

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	suffered harm as a result of any of the offences within the scope of this Directive; _____ 1. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.	~~*suffered harm as a result of any of the offences within the scope of this Directive;*~~[1] ; _____ 1. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.	suffered harm as a result of any of the offences within the scope of this Directive; _____ 1. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.	suffered harm ***or economic loss as a direct***~~as a~~ result of any of the ~~offences~~***offenses*** within the scope of this Directive; _____ 1. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. new green line Text Origin: Commission Proposal TM8 27102023 ITM10 13112023 ITM14 05122023
Article 3, first paragraph, point (9a)				
Y 106a			***(9a) 'public concerned' means the persons affected or likely to be affected by the criminal offences within the scope of this Directive; for the purposes of this definition, persons having a sufficient interest or maintaining the impairment of a right or meeting any proportionate requirements under national law shall be deemed to have an interest;***	***(9a) [deleted]*** To be discussed together with Article 18b TM1 04072023 TM30082023 Y
Article 3, first paragraph, point (10)				
G 107	(10) 'beneficial owner' means a beneficial owner as defined in Article 3, point (6), of Directive	*deleted*	*(10)* 'beneficial owner' means a beneficial owner as defined in Article 3, point (6), of Directive	(10) 'beneficial owner' means a beneficial owner as defined in Article 3, point (6), of Directive G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	2015/849/EU[1]; 1. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as amended by Directive (EU) 2018/843 (OJ L 141 5.6.2015, p. 73).		2015/849/EU[1]; 1. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as amended by Directive (EU) 2018/843 (OJ L 141 5.6.2015, p. 73).	2015/849/EU[1]; 1. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, as amended by Directive (EU) 2018/843 (OJ L 141 5.6.2015, p. 73). new green line Text Origin: Commission Proposal ITM11 21112023 ITM14 05122023
Article 3, first paragraph, point (10a)				
G 107a			***(10a) 'affected person' means:*** ***(a) a natural or legal person against whom a freezing or confiscation order is issued;*** ***(b) a natural or legal person that owns property that is the object of a freezing or confiscation order; or*** ***(c) a third party whose rights in relation to property that is the object of a freezing order or a confiscation order are directly prejudiced by that order;***	***(10a) 'affected person' means:*** ***(a) a natural or legal person against whom a freezing or confiscation order is issued;*** ***(b) a natural or legal person that owns property that is the object of a freezing or confiscation order; or*** ***(c) a third party whose rights in relation to property that is the object of a freezing order or a confiscation order are directly prejudiced by that order; or*** ***(d) a natural or legal person whose property is subject to an interlocutory sale pursuant to article 20 of this Directive.*** new green line TM1 04072023 G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				TM6 22092023 ITM10 13112023 ITM11 21112023 ITM14 05122023
Article 3, first paragraph, point (10b)				
G 107b			***(10b) 'party closely related to suspected, accused or convicted person' means:*** ***(a) the spouse or partner of the suspected, accused or convicted person;*** ***(b) ascendants, descendants and siblings of the suspected, accused, or convicted person or of the spouse or partner of that person;*** ***(c) persons living in the household of the suspected, accused or convicted person;*** ***(d) persons who are working for the suspected, accused or convicted person under a contract of employment with access to non-public information on the affairs of the suspected, accused or convicted person or otherwise performing tasks through which they have access to non-public information on the affairs of the suspected, accused or convicted person;*** ***(e) legal entities in which the suspected, accused or convicted person or one of the persons referred to in points (a) to (d) of this point is a member of the administrative, management or***	***(10b) [deleted]*** new green line ITM10 13112023 ITM11 21112023 ITM14 05122023

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			supervisory bodies or performs duties which provide for access to non-public information on the affairs of the suspected, accused or convicted person.	
Article 3, first paragraph, point (11)				
108	(11) 'Union restrictive measures' means measures adopted on the basis of Article 29 of the Treaty on European Union and Article 215 of the Treaty on the Functioning of the European Union;	*deleted*	*(11)* 'Union restrictive measures' means measures adopted on the basis of Article 29 of the Treaty on European Union and Article 215 of the Treaty on the Functioning of the European Union;	(11) ~~*'Union restrictive measures' means measures adopted on the basis of Article 29 of the Treaty on European Union and Article 215 of the Treaty on the Functioning of the European Union;*~~***deleted*** new green line TM6 22092023 ITM10 13112023
Article 3, first paragraph, point (12)				
109	(12) 'targeted financial sanctions' means specific Union restrictive measures directed against certain persons or entities adopted on the basis of Article 29 of the Treaty on European Union and Article 215 of the Treaty on the Functioning of the European Union;	*deleted*	*(12)* 'targeted financial sanctions' means specific Union restrictive measures directed against certain persons or entities adopted on the basis of Article 29 of the Treaty on European Union and Article 215 of the Treaty on the Functioning of the European Union;	(12) ~~*'targeted financial sanctions' means specific Union restrictive measures directed against certain persons or entities adopted on the basis of Article 29 of the Treaty on European Union and Article 215 of the Treaty on the Functioning of the European Union;*~~***deleted*** new green line ITM10 13112023
CHAPTER II				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 110	CHAPTER II tracing and identification	CHAPTER II Tracing and identification	CHAPTER II tracing and identification	CHAPTER II Tracing and identification Text Origin: Council Mandate
Article 4				
G 111	Article 4 Asset tracing investigations	Article 4 Asset tracing investigations	Article 4 Asset tracing investigations	Article 4 Asset tracing investigations Text Origin: Commission Proposal
Article 4(1)				
G 112	1. To facilitate cross-border cooperation, Member States shall take measures to enable the swift tracing and identification of instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order in the course of criminal proceedings.	1. To facilitate cross-border cooperation, Member States shall take measures to enable the swift tracing and identification of instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order in the course of ***proceedings in*** criminal ~~*proceedings*~~***matters***.	1. To facilitate cross-border cooperation, Member States shall take measures to enable the swift tracing and identification of instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order in the course of ***proceedings in*** criminal ~~*proceedings*~~***matters***.	1. To facilitate cross-border cooperation, Member States shall take measures to enable the swift tracing and identification of instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order in the course of ***proceedings in*** criminal ~~*proceedings*~~***matters***. Text Origin: EP Mandate TM1 04072023 Confirmation during the trilogue on 3 October 2023
Article 4(1a)				
R 112a				***1a. [Property mentioned in paragraph 1 shall also include property which may become or is the object of a freezing or***

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				confiscation order in accordance with [Art. 10(2) of Directive [x] of the European Parliament and of the Council on the definition of criminal offences and penalties for the violation of restrictive measures." Related to Article 5(3) and Article 1(2). Related to Article 5(3) and Article 1(2). trilogue ITM11 21112023
Article 4(2)				
G	113	2. Asset tracing investigations pursuant to paragraph 1 shall be carried out immediately by competent authorities ~~whenever~~***when*** an investigation is initiated in relation to a criminal offence which is likely to give rise to substantial economic benefit, ~~or where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures~~***unless not considered appropriate in view of the type of offence and the circumstances of the individual case***.	2. Asset tracing investigations pursuant to paragraph 1 shall be carried out immediately by competent authorities whenever an investigation is initiated in relation to a criminal offence which is likely to give rise to substantial economic benefit, or where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures.	2. Asset tracing investigations pursuant to paragraph 1 shall be carried out immediately by competent authorities whenever an investigation is initiated in relation to a criminal offence which is likely to give rise to substantial economic benefit~~, or where necessary to prevent, detect or investigate criminal~~***. Member States may limit the scope to investigations into*** offences ~~related to the violation of Union restrictive measures~~***likely to have been committed within the framework of a criminal organisation***. new green line Text Origin: Commission

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Proposal ITM11 21112023 ITM14 05122023
Article 4(2a)				
113a			***2a. Asset tracing investigations pursuant to paragraph 1 shall be carried out also for the purposes of restitution and compensation to victims;***	***2a. deleted*** new green line TM6 22092023 TM8 27102023
Article 5				
114	Article 5 Asset recovery offices	Article 5 Asset recovery offices	Article 5 Asset recovery offices	Article 5 Asset recovery offices Text Origin: Commission Proposal
Article 5(1)				
115	1. Each Member State shall set up at least one asset recovery office to facilitate cross-border cooperation in relation to asset tracing investigations.	1. Each Member State shall set up at least one asset recovery office to facilitate cross-border cooperation in relation to asset tracing investigations.	1. Each Member State shall set up at least one asset recovery office to facilitate cross-border cooperation in relation to asset tracing investigations.	1. Each Member State shall set up at least one asset recovery office to facilitate cross-border cooperation in relation to asset tracing investigations. Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 5(2)				
116	2. Asset recovery offices shall have	2. Asset recovery offices shall have	2. Asset recovery offices shall have	2. Asset recovery offices shall have

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	the following tasks:	the following tasks:	the following tasks:	the following tasks: Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 5(2), point (a)				
117	(a) trace and identify instrumentalities, proceeds, or property whenever necessary to support other competent national authorities responsible for asset tracing investigations pursuant to Article 4;	(a) trace and identify instrumentalities, proceeds, or property whenever necessary to support other competent national authorities responsible for asset tracing investigations pursuant to Article 4;	(a) trace and identify instrumentalities, proceeds, or property whenever necessary to support other competent national authorities responsible ***and the EPPO,*** for asset tracing investigations pursuant to Article 4;	(a) trace and identify instrumentalities, proceeds, or property whenever necessary to support other competent national authorities responsible ***and the EPPO,*** for asset tracing investigations pursuant to Article 4; Text Origin: EP Mandate TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 5(2), point (b)				
118	(b) trace and identify instrumentalities, proceeds, or property which may become or is the object of a freezing or confiscation order issued by another Member State;	(b) trace and identify instrumentalities, proceeds, or property which may become or is the object of a freezing or confiscation order issued by another Member State;	(b) trace and identify instrumentalities, proceeds, or property which may become or is the object of a freezing or confiscation order issued by ***a competent authority in*** another Member State;	(b) trace and identify instrumentalities, proceeds, or property which may become or is the object of a freezing or confiscation order issued by ***a competent authority in*** another Member State; Text Origin: EP Mandate TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 5(2), point (c)				
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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	(c) cooperate and exchange information with other Member States' asset recovery offices in the tracing and identification of instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order;	(c) cooperate and exchange information with other Member States' asset recovery offices in the tracing and identification of instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order~~;~~.	(c) cooperate and exchange information with other Member States~~'~~ asset recovery offices ***and the EPPO*** in the tracing and identification of instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order;	(c) cooperate and exchange information with other Member States~~'~~ asset recovery offices ***and the EPPO*** in the tracing and identification of instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order; Text Origin: EP Mandate TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 5(2), point (d)				
120	(d) exchange information with other asset recovery offices in the Member States related to the effective implementation of Union restrictive measures where necessary to prevent, detect or investigate criminal offences.	*deleted*	*(d)* exchange information with other asset recovery offices in the Member States related to the effective implementation of Union restrictive measures where necessary to prevent, detect or investigate criminal offences.	(d) ~~*exchange information with other asset recovery offices in the Member States related to the effective implementation of Union restrictive measures where necessary to prevent, detect or investigate criminal offences.*~~***deleted*** new green line TM6 22092023 ITM10 11132023
Article 5(2a)				
120a			***2a. In order to perform the tasks pursuant to paragraph 2, point (b), asset recovery offices shall be entitled to request the relevant competent authorities to take the necessary measures for the tracing***	***(2a) In order to perform the tasks pursuant to paragraph 2, point (b), asset recovery offices shall be entitled to request the relevant competent authorities, in accordance with national law, to***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			and identification of instrumentalities, proceeds, or property;	***cooperate with them where necessary for the tracing and identification of instrumentalities, proceeds, or property;*** new green line TM6 22092023 ITM10 13112023 ITM11 21112023 ITM13 27112023 ITM14 05122023
Article 5(3)				
R	121	3. Asset recovery offices shall be empowered to trace and identify property of persons and entities subject to EU targeted financial sanctions where necessary to prevent, detect or investigate criminal offences. To that effect, they shall cooperate with asset recovery offices and other relevant competent authorities in other Member States and exchange relevant information.	*deleted*	3. Asset recovery offices shall be empowered to trace and identify property of persons and entities subject to ~~*EU targeted financial sanctions*~~***Union restrictive measures*** where necessary to prevent, detect or investigate criminal offences. To that effect, they shall cooperate with asset recovery offices and other relevant competent authorities in other Member States and exchange relevant information.	New proposal from the CSL: in art5(3):Asset recovery offices shall be empowered to trace and identify property of persons and entities subject to EU restrictive measures where necessary to facilitate the detection of criminal offences referred to in Article 2.1 point (p) of this Directive, upon a request of national competent authorities based on indications and reasonable grounds to believe that a criminal offence pursuant to Article 3 of that Directive was committed. These powers shall be without prejudice to the procedural requirements and safeguards established under national procedural law, including the rules on the initiation of criminal proceedings or, where necessary, the requirement to obtain a judicial authorisation. in article 4.1a.Property subject to

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				tracing and identification includes any property that may become object of a freezing or confiscation order under [Article 10 of the Directive on the definition of criminal offences and penalties for the violation of restrictive measures]. EP Drafting proposal (21/11): 3. Member States shall take the necessary measures to empower/enable Asset recovery offices to trace and identify property of designated persons, entities or bodies that may be frozen or confiscated pursuant to Article 10 of the Directive on the definition of criminal offences and penalties for the violation of restrictive measures. AROs shall exercise these functions upon the request of national competent authorities where necessary to facilitate the detection of criminal offences referred to in Article 2.1 point (p) of this Directive. These powers shall be without prejudice to the procedural safeguards established under national law, where necessary, including the rules on the initiation of criminal proceedings or the requirement to obtain a judicial authorisation. COM proposal : 3. Asset recovery offices shall be empowered to trace and identify

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				property of persons and entities subject to EU targeted financial sanctions, including property that may become object of a confiscation order under Article 10(2) of the Directive on the definition of criminal offences and penalties for the violation of restrictive measures, upon a request of national competent authorities based on indications and reasonable grounds to believe that a criminal offence pursuant to Article 3 [(2)(h)(i)and(ii)] of the Directive on the definition of criminal offences and penalties for the violation of Union restrictive measures was committed where necessary to prevent, detect or investigate criminal offences. To that effect, they shall cooperate with asset recovery offices and other relevant competent authorities in other Member States and exchange relevant information. CON proposal: « 3. Asset recovery offices shall be empowered to trace and identify property of persons and entities subject to EU restrictive measures where necessary to detect and investigate criminal offences referred to in Article 2.1 point (p) of this Directive [upon a request of national competent authorities based on indications and reasonable grounds to believe that a criminal offence pursuant to Article 3 of that Directive was committed]. These powers shall include any property that may become object of a freezing order under [Article 10 of] the Directive on

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				the definition of criminal offences and penalties for the violation of restrictive measures, [upon a request of national competent authorities based on indications and reasonable grounds to believe that a criminal offence pursuant to Article 3 of that Directive was committed- to move before.] These powers shall be without prejudice to the procedural safeguards established under national law, including the initiation of criminal proceedings or, where necessary, the requirement to obtain a judicial authorisation». restrictive measures trilogue TM6 22092023 ITM8 27102023 ITM10 13112023 ITM11 21112023
Article 5(4)				
G 122	4. Member States shall enable asset recovery offices to take immediate action pursuant to Article 11 paragraph 2 where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures. Article 11 paragraph 5 shall apply mutatis mutandis.	*deleted*	*4.* Member States shall enable asset recovery offices to take immediate action pursuant to Article 11 paragraph 2 where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures. Article 11 paragraph 5 shall apply mutatis mutandis.	4. ~~*Member States shall enable asset recovery offices to take immediate action pursuant to Article 11 paragraph 2 where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures. Article 11 paragraph 5 shall apply mutatis mutandis.*~~ ***deleted*** new green line TM6 22092023 ITM10 13112023 G

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 6				
123	Article 6 Access to information	Article 6 Access to information	Article 6 Access to information	Article 6 Access to information Text Origin: Commission Proposal TM5 15092023 TM6 22092023 second trilogue 3/10/2023 - ITM 7 13102023
Article 6(1)				
124	1. For the purposes of performing the tasks referred to in Article 5, Member States shall ensure that asset recovery offices have immediate and direct access to the following information to the extent that information is necessary for the tracing and identification of proceeds, instrumentalities, and property:	1. For the purposes of performing the tasks referred to in Article 5, Member States shall ensure that asset recovery offices***, provided that the information is stored in centralised or interconnected databases or registers held by public authorities,*** have immediate and direct access to the following information to the extent that ~~*information*~~***it*** is necessary for the tracing and identification of proceeds, instrumentalities, and property:	1. For the purposes of performing the tasks referred to in Article 5, Member States shall ensure that asset recovery offices have ~~*immediate and direct*~~***appropriate*** access to ~~*the following*~~***any*** information to the extent that information is necessary for the tracing and identification of proceeds, instrumentalities, ***proceeds*** and property***. That access shall include***:	-1. ***1. For the purposes of performing the tasks referred to in Article 5, Member States shall ensure that asset recovery offices have access to the information referred to in this Article to the extent that it is necessary for the tracing and identification of proceeds, instrumentalities, and property.*** ~~*For the purposes of performing the tasks referred to in Article 5, Member States shall ensure that asset recovery offices have immediate and direct access to the following information to the extent that information is necessary for the tracing and identification of proceeds, instrumentalities, and property:*~~ TM1 04072023 TM2 14072023 TM3 30082023 TM4 04092023

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				TM5 15092023 TM6 22092023 second trilogue 3/10/2023 - ITM 7 13102023
Article 6(2)				
124a			***1a. direct and immediate access to:***	***2. 2. Member States shall ensure that asset recovery offices have immediate and direct access to the following information, provided that the information is stored in centralised or interconnected databases or registers held by public authorities:*** second trilogue 3/10/2023 - ITM 7 13102023
Article 6(2), point (a)				
125	(a) fiscal data, including data held by tax and revenue authorities;	*deleted*	~~*(a)*~~***(i)*** fiscal data, including data held by tax and revenue authorities;	(a) ~~*fiscal data, including data held by tax and revenue authorities;*~~***deleted*** second trilogue 3/10/2023 - ITM 7 13102023
Article 6(2), point (b)				
126	(b) national real estate registers or electronic data retrieval systems and land and cadastral registers;	~~*(b)*~~***(a)*** national real estate registers or electronic data retrieval systems and land and cadastral registers;	~~*(b)*~~***(ii)*** national real estate registers or electronic data retrieval systems and land and cadastral registers;	~~*(b)*~~***(a)*** national real estate registers or electronic data retrieval systems and land and cadastral registers; Text Origin: Council Mandate second trilogue 3/10/2023 - ITM 7 13102023

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 6(2), point (c)				
127	(c) national citizenship and population registers of natural persons;	~~(c)~~ ***(b)*** national citizenship and population registers of natural persons;	~~(c)~~ ***(iii)*** national citizenship and population registers of natural persons;	~~(c)~~ ***(b)*** national citizenship and population registers of natural persons; Text Origin: Council Mandate second trilogue 3/10/2023 - ITM 7 13102023
Article 6(2) point (d)				
128	(d) national motor vehicles, aircraft and watercraft registers;	~~(d)~~ ***(c)*** national motor vehicles, aircraft and watercraft registers;	~~(d)~~ ***(iv)*** national motor vehicles, aircraft and watercraft registers;	~~(d)~~ ***(c)*** national motor vehicles, aircraft and watercraft registers; Text Origin: Council Mandate discuss during second trilogue 3/10/2023 - ITM 7 13102023
Article 6(2), point (e)				
129	(e) commercial databases, including business and company registers;	~~(e)~~ ***(d)*** commercial ~~databases~~ ***registers*** , including business and company registers~~;~~ ***.***	~~(e)~~ ***(v)*** commercial databases, including business and company registers;	~~(e)~~ ***(d)*** commercial ~~databases~~ ***registers*** , including business and company registers~~;~~ ***.*** Text Origin: Council Mandate second trilogue 3/10/2023 - ITM 7 13102023
Article 6(2), point (f)				
129a			***(vi) national beneficial ownership registers including register of beneficial owners of trusts and similar legal arrangements;***	***(e) 'e. national beneficial ownership registers in accordance with Directive of the European Parliament and of the Council***

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				2015/849; data available through the interconnection of beneficial ownership registers in accordance with Directive of the European Parliament and of the Council 2015/849. TM2 14072023 TM6 22092023 second trilogue 3/10/2023 - ITM 7 13102023
Article 6(2), point (g)				
129b			***(vii) data available through the interconnection of beneficial ownership registers in accordance with [Article 12 of Proposal for a Directive of the European Parliament and of the Council on the mechanisms to be put in place by the purposes of money laundering or terrorist financing and repealing Directive (EU) 2015/849 COM/2021/432)]***	***(f) 'f. centralised bank account registries, in accordance with Directive (EU) 2019/1153 of the European Parliament and of the Council.*** TM2 14072023 second trilogue 3/10/2023 - ITM 7 13102023
Article 6(2), point (h)				
130	(f) national social security registers;	*deleted*	~~(f)~~***(viii)*** national social security registers;	~~(f)~~***(h)*** ~~*national social security registers;*~~ ***deleted*** second trilogue 3/10/2023 - ITM 7 13102023
Article 6(3)				
130a				

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			(1b) direct or indirect access to: ***(i) information on mortgages and loans;*** ***(ii) information contained in national currency databases and currency exchange databases;*** ***(iii) information on securities;*** ***(iv) customs data, including cross-border physical transfers of cash;*** ***(v) information held by commercial courts;*** ***(vi) information on annual financial statements by companies;*** ***(vii) information on crypto-assets[1];*** ***(viii) information on relevant high-value goods or assets registers;*** ***(ix) in accordance with the Union law, data stored in the Visa Information System (VIS), Schengen Information System (SIS II), Entry/Exist System (EES), European Travel Information and Authorisation System (ETIAS), and European Criminal Records Information System for Third-Country Nationals (ECRIS-TCN).*** ***(x) relevant information which is held by authorities competent for preventing, detecting, investigating or prosecuting criminal offences.*** ***1. Crypto-assets within the scope of the Regulation of the European Parliament and of the Council on Markets in Crypto-assets, and amending Directive (EU) 2019/1937.***	***3. 3. For the purposes of paragraph 1, Member States shall ensure that asset recovery offices can swiftly obtain, either directly and immediately or upon request the following information:*** ***(a) fiscal data, including data held by tax and revenue authorities;*** ***(b) national social security data;*** ***(c) relevant information which is held by authorities competent for preventing, detecting, investigating or prosecuting criminal offences.*** ***(d) information on mortgages and loans;*** ***(e) information contained in national currency databases and currency exchange databases;*** ***(f) information on securities;*** ***(g) customs data, including cross-border physical transfers of cash;*** ***(h) information on annual financial statements by companies;*** ***(i) information on wire-transfers and accounts balances;*** ***(j) information on crypto-asset accounts and crypto-asset transfers as defined in Article 3 of Regulation (EU)2023/1113 of the European Parliament and of the Council;*** ***(k) in accordance with the Union law, data stored in the Visa Information System (VIS), Schengen Information System (SIS II), Entry/Exist System (EES), European Travel Information and***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Authorisation System (ETIAS), and European Criminal Records Information System for Third-Country Nationals (ECRIS-TCN); second trilogue 3/10/2023 - ITM 7 13102023
Article 6(3), point (a)				
130b			***(ix) bank account registers, including information on wire-transfers and accounts balances;***	***(a) 'deleted*** TM2 14072023 second trilogue 3/10/2023 - ITM 7 13102023
Article 6(3), point (b)				
131	(g) relevant information which is held by authorities competent for preventing, detecting, investigating or prosecuting criminal offences.	*deleted*	~~(g)~~***(x)*** relevant information which is held by authorities competent for preventing, detecting, investigating or prosecuting criminal offences.	~~(g)~~***(b)*** ~~*relevant information which is held by authorities competent for preventing, detecting, investigating or prosecuting criminal offences.*~~ ***'*** covered before second trilogue 3/10/2023 - ITM 7 13102023
Article 6(4)				
132	2. Where the information referred to in paragraph 1 is not stored in databases or registers, Member States shall take the necessary measures to ensure that asset recovery offices can swiftly obtain that information by other means.	2. Where the information referred to in paragraph 1 is not stored in ***centralised or interconnected*** databases or registers, Member States shall take the necessary measures to ensure that asset recovery offices can swiftly obtain	2. Where the information referred to in paragraph 1 is not stored in databases or registers, Member States shall take the necessary measures to ensure that asset recovery offices can swiftly obtain that information by other means ***in a***	~~2~~***4. 4. Where the information referred to in paragraphs 2 and 3 is not stored in centralised or interconnected databases or registers held by public authorities, Member States shall take the necessary measures to ensure that***

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
		that information ***from relevant institutions*** by other means.	***streamlined and harmonized manner. Where an asset recovery office requests access to information which is not directly available to it, the requested authority shall respond to the request in a timely manner;***	***asset recovery offices can swiftly obtain that information from relevant institutions by other means in a streamlined and standardized manner.*** ~~***Where the information referred to in paragraph 1 is not stored in databases or registers, Member States shall take the necessary measures to ensure that asset recovery offices can swiftly obtain that information by other means.***~~ TM2 14072023 second trilogue 3/10/2023 - ITM 7 13102023	
Article 6(2a)					
G	132a		***2a. The Commission may adopt delegated acts in accordance with Article 30 laying down specifications for a standardized template for requests for information as referred to in paragraph 1, point (b), of this Article.***	***2a. ' deleted*** TM2 14072023 second trilogue 3/10/2023 - ITM 7 13102023	G
Article 6(2b)					
G	132b	***2a. In addition to the information referred to in paragraphs 1 and 2, and for the purposes of performing the tasks referred to in Article 5, Member States shall give asset recovery offices swift access to the***		***2b. '*** covered before second trilogue 3/10/2023 - ITM 7 13102023	G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		following information, in accordance with national law, in so far as it is necessary for the tracing and identification of proceeds, instrumentalities, and property:		
Article 6(2c)				
132c		***(a) fiscal data, including data held by tax and revenue authorities;***		***2c. '*** covered before second trilogue 3/10/2023 - ITM 7 13102023
Article 6(2d)				
132d		***(b) national social security data;***		***2d. '*** covered before second trilogue 3/10/2023 - ITM 7 13102023
Article 6(2e)				
132e		***(c) relevant information which is held by authorities competent for preventing, detecting, investigating or prosecuting criminal offences.***		***2e. '*** covered before second trilogue 3/10/2023 - ITM 7 13102023
Article 6(5)				
132f		***2b. Member States may decide to***		***5. 5. Member States may decide***

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		give access pursuant to paragraph 2a on the basis of reasoned requests. The request to obtain such information may in particular be denied for instance if the provision of such information would have a negative impact on an ongoing investigation, if it would be disproportionate to the legitimate interests of a natural or legal person with regard to the purposes for which access has been requested or if it would comprise information provided by another Member State or third country.	PUBLIC	***that access pursuant to Art. 6.3 (a), (b), (c):*** ***- requires a reasoned request and*** ***- the request to obtain such information may be denied if the provision of such information would jeopardise the success of an ongoing investigation, if it would be clearly disproportionate to the legitimate interests of a natural or legal person with regard to the purposes for which access has been requested or if it would comprise information provided by another Member State or third country where consent for its further transmission cannot be obtained.*** TM2 14072023 second trilogue 3/10/2023 - ITM 7 13102023
Article 6(6)				
G 133	3. The direct and immediate access to the information referred to in paragraph 1 shall be without prejudice to the procedural safeguards established under national law.	3. The direct and immediate access to the information referred to in paragraph 1 shall be without prejudice to the procedural safeguards established under national law.	3. The direct and immediate ***and indirect*** access to the information referred to in paragraph 1 shall be without prejudice to the procedural safeguards established under national law ***including where necessary the requirement to obtain a court order, if required by the relevant national law and the guarantees provided under the Union data protection acquis***.	~~3~~***6***. ~~*The direct and immediate*~~ ***6. The access to the information referred to in this Article shall be without prejudice to the procedural safeguards established under national law, including, where necessary the requirement to obtain a judicial authorisation*** ~~*access to the information referred to in paragraph 1 shall be without prejudice to the procedural safeguards established under national law.*~~ G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				second trilogue 3/10/2023 - ITM 7 13102023
Article 7				
134	Article 7 Conditions for access to information by asset recovery offices	Article 7 Conditions for access to information by asset recovery offices	Article 7 Conditions for access to information by asset recovery offices	Article 7 Conditions for access to information by asset recovery offices Text Origin: Commission Proposal
Article 7(1)				
135	1. Access to information pursuant to Article 6 shall be performed only where necessary on a case-by-case basis by the staff specifically designated and authorised to access the information referred to in Article 6.	1. ~~*Access to*~~ Information pursuant to Article 6 shall ***only be accessed for the purposes of performing the tasks referred to in Article 5 and*** ~~*be performed*~~ only where necessary on a case-by-case basis by the staff specifically designated and authorised to access the information referred to in Article 6.	1. Access to information pursuant to Article 6 shall be performed only where necessary on a case-by-case basis ***where it is adequate, relevant and proportionate for the purposes of the asset tracing investigation*** by the staff specifically designated and authorised to access the information referred to in Article 6***, in line with Directive 2016/680 (LED). Member States shall ensure that information obtained by asset recovery offices shall be used only for the purpose for which it was sought***.	1. Access to information pursuant to Article 6 shall be performed only ~~*where necessary*~~ on a case-by-case basis ***where necessary and proportionate for the performance of the tasks pursuant to Article 5*** by the staff specifically designated and authorised to access the information referred to in Article 6. new green line TM2 14072023 TM6 22092023 ITM10 13112023 ITM11 21112023
Article 7(2)				
136	2. Member States shall ensure that staff of the asset recovery offices comply with the rules on confidentiality and professional	2. Member States shall ensure that staff of the asset recovery offices comply with the rules on confidentiality and professional	2. Member States shall ensure that staff of the asset recovery offices comply with the rules on confidentiality and professional	2. Member States shall ensure that staff of the asset recovery offices comply with the rules on confidentiality and professional

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	secrecy as provided for under applicable national law. Member States shall also ensure that staff of asset recovery offices have the necessary specialised skills and abilities to perform their roles effectively.	secrecy as provided for under applicable national law. Member States shall also ensure that staff of asset recovery offices have the necessary specialised skills and abilities to perform their roles effectively.	secrecy as provided for under applicable national law ***as well as with the Union data protection acquis***. Member States shall also ensure that staff of asset recovery offices have the necessary specialised skills and abilities to perform their roles effectively.	secrecy as provided for under applicable national law ***as well as with the Union data protection acquis***. Member States shall also ensure that staff of asset recovery offices have the necessary specialised skills and abilities to perform their roles effectively. new green line Text Origin: EP Mandate TM2 14072023 ITM10 13112023 ITM11 21112023
Article 7(3)				
G 137	3. Member States shall ensure that appropriate technical and organisational measures are in place to ensure the security of the data in order for asset recovery offices to access and search the information referred to in Article 6.	3. Member States shall ensure that appropriate technical and organisational measures are in place to ensure ~~the~~***a level of*** security ~~of the data~~ ***appropriate to the risk of processing data*** in order for asset recovery offices to access and search the information referred to in Article 6.	3. Member States shall ensure that appropriate technical and organisational measures are in place to ensure the security of the data in order for asset recovery offices to access and search the information referred to in Article 6.	3. Member States shall ensure that appropriate technical and organisational measures are in place to ensure ~~the~~***a level of*** security ~~of the data~~ ***appropriate to the risk of processing data*** in order for asset recovery offices to access and search the information referred to in Article 6. new green line Text Origin: Council Mandate ITM11 21112023
Article 8				
G 138	Article 8 Monitoring access and searches by	Article 8 Monitoring access and searches by	Article 8 Monitoring access and searches by	Article 8 Monitoring access and searches by

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	asset recovery offices	asset recovery offices	asset recovery offices	asset recovery offices Text Origin: Commission Proposal
Article 8(1)				
139	1. Without prejudice to Article 25 of Directive 2016/680, Member States shall ensure that the authorities holding the information referred to in Article 6 keep logs of all access and search activities by asset recovery offices in accordance with this Directive. The logs shall contain the following:	~~*1. Without prejudice to Article 25 of Directive 2016/680,*~~ Member States shall ~~*ensure that the authorities holding the information referred to in Article 6 keep*~~***provide for*** logs of ~~*all*~~ access and search activities by asset recovery offices ***under this Directive to be kept*** in accordance with ~~*this Directive. The logs shall contain the following:*~~***Article 25 of Directive 2016/680.***	1. Without prejudice to ***the requirements laid down in*** Article 25 of Directive 2016/680, Member States shall ensure that the authorities holding the information referred to in Article 6 keep logs of all access and search activities by asset recovery offices in accordance with this Directive. The logs shall contain the following:	1. ~~*Without prejudice to Article 25 of Directive 2016/680,*~~ Member States shall ~~*ensure that the authorities holding the information referred to in Article 6 keep*~~***provide for*** logs of ~~*all*~~ access and search activities by asset recovery offices ***under this Directive to be kept*** in accordance with ~~*this Directive. The logs shall contain the following:*~~***Article 25 of Directive 2016/680.*** Text Origin: Council Mandate TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 8(1), point (a)				
140	(a) the national file reference;	*deleted*	*(a)* the national file reference;	(a) ~~*the national file reference;*~~***deleted*** Confirmation during the trilogue on 3 October 2023
Article 8(1), point (b)				
141	(b) the date and time of the query or search;	*deleted*	*(b)* the date and time of the query or search;	(b) ~~*the date and time of the query or search;*~~***deleted***

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				Confirmation during the trilogue on 3 October 2023
Article 8(1), point (c)				
142	(c) the type of data used to launch the query or search;	*deleted*	*(c)* the type of data used to launch the query or search;	(c) ~~*the type of data used to launch the query or search;*~~***deleted*** Confirmation during the trilogue on 3 October 2023
Article 8(1), point (d)				
143	(d) the unique identifier of the results of the query or search;	*deleted*	*(d)* the unique identifier of the results of the query or search;	(d) ~~*the unique identifier of the results of the query or search;*~~***deleted*** Confirmation during the trilogue on 3 October 2023
Article 8(1), point (e)				
144	(e) the name of the asset recovery office consulting the registry;	*deleted*	*(e)* the name of the asset recovery office consulting the registry;	(e) ~~*the name of the asset recovery office consulting the registry;*~~*'* Confirmation during the trilogue on 3 October 2023
Article 8(1), point (f)				
145	(f) the unique user identifier of the official who made the query or performed the search.	*deleted*	*(f)* the unique user identifier of the official who made the query or performed the search.	(f) ~~*the unique user identifier of the official who made the query or performed the search.*~~*'* Confirmation during the trilogue on 3 October 2023

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 8(2)				
146	2. The logs referred to in paragraph 1 may be used only for data protection monitoring, including checking the lawfulness of data processing, and for ensuring data security and integrity. The logs shall be protected by appropriate measures against unauthorised access and erased five years after their creation. If, however, they are required for monitoring procedures that are ongoing, they shall be erased once the monitoring procedures no longer require the logs.	*deleted*	*2.* The logs referred to in paragraph 1 may be used only for data protection monitoring, including checking the lawfulness of data processing, and for ensuring data security and integrity. The logs shall be protected by appropriate measures against unauthorised access and erased five years after their creation. If, however, they are required for monitoring procedures that are ongoing, they shall be erased once the monitoring procedures no longer require the logs.	2. ~~*The logs referred to in paragraph 1 may be used only for data protection monitoring, including checking the lawfulness of data processing, and for ensuring data security and integrity. The logs shall be protected by appropriate measures against unauthorised access and erased five years after their creation. If, however, they are required for monitoring procedures that are ongoing, they shall be erased once the monitoring procedures no longer require the logs.*~~***Deleted*** TM2 14072023 TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 9				
147	Article 9 Exchange of information	Article 9 Exchange of information	Article 9 Exchange of information	Article 9 Exchange of information Text Origin: Commission Proposal
Article 9(1), first subparagraph				
148	Member States shall take the necessary measures to ensure that	***1.*** Member States shall take the necessary measures to ensure that	Member States shall take the necessary measures to ensure that	Member States shall take the necessary measures to ensure that

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	their asset recovery offices provide, upon request from an asset recovery office of another Member State, any information that is necessary for the performance of their tasks pursuant to Article 5. The categories of personal data that can be provided are those listed in Section B, point 2 of Annex II to Regulation (EU) 2016/794.	their asset recovery offices provide, upon request from an asset recovery office of another Member State, any information that is necessary for the performance of their tasks pursuant to Article 5~~. The~~ ***and accessible to the requested asset recovery office. Th0äe*** categories of personal data that can be provided are those listed in Section B, point 2 of Annex II to Regulation (EU) 2016/794***, with the exception of forensic identification information under Section B, point 2(c)(v)***.	their asset recovery offices provide, upon request from an asset recovery office of another Member State ***or the EPPO***, any information that is necessary for the performance of their tasks pursuant to Article 5. The categories of personal data that can be provided are those listed in Section B, point 2 of Annex II to Regulation (EU) 2016/794***, with the exclusion of the special data categories of personal data relating to forensic identification information under Section B, point 2(c)(v)***.	their asset recovery offices provide, upon request from an asset recovery office of another Member State, any information that is necessary for the performance of their tasks pursuant to Article 5 ***and accessible to the requested asset recovery office. The*** ~~. The~~ categories of personal data that can be provided are those listed in Section B, point 2 of Annex II to Regulation (EU) 2016/794***, with the exception of forensic identification information under Section B, point 2(c)(v)***. Text Origin: Council Mandate TM2 14072023 TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 9(1), second subparagraph				
149	Any personal data to be provided shall be determined on a case-by-case basis, in light of what is necessary for the performance of the tasks pursuant to Article 5.	Any personal data to be provided shall be determined on a case-by-case basis, in light of what is necessary for the performance of the tasks pursuant to Article 5***, and in accordance with Directive 2016/680***.	Any personal data to be provided shall be determined on a case-by-case basis, in light of what is necessary for the performance of the tasks pursuant to Article 5.	Any personal data to be provided shall be determined on a case-by-case basis, in light of what is necessary for the performance of the tasks pursuant to Article 5***, and in accordance with Directive 2016/680***. Text Origin: Council Mandate TM2 14072023 Confirmation during the trilogue on 3 October 2023
Article 9(2)				
150				

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	2. When making a request pursuant to paragraph 1, the requesting asset recovery office shall specify as precisely as possible the following:	2. When making a request pursuant to paragraph 1, the requesting asset recovery office shall specify as precisely as possible the following:	2. When making a request pursuant to paragraph 1, the requesting asset recovery office shall, ***in line with the principle of data minimization,*** specify as precisely as possible the following:	2. When making a request pursuant to paragraph 1, the requesting asset recovery office shall specify as precisely as possible the following: new green line Text Origin: Council Mandate ITM10 13112023
Article 9(2), point (a)				
151	(a) the object of the request;	(a) the object of the request;	(a) the object of the request;	(a) the object of the request; Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 9(2), point (b)				
152	(b) the reasons for the request, including the relevance of the information requested for the tracing and identification of the property;	(b) the reasons for the request, including the relevance of the information requested for the tracing and identification of the property;	(b) the reasons for the request, including the relevance of the information requested for the tracing and identification of the property;	(b) the reasons for the request, including the relevance of the information requested for the tracing and identification of the property; Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 9(2), point (c)				
153	(c) the nature of the proceedings;	(c) the nature of the proceedings;	(c) the nature of the proceedings;	(c) the nature of the proceedings; Text Origin: Commission Proposal Confirmation during the

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				trilogue on 3 October 2023
Article 9(2), point (d)				
154	(d) the type of criminal offence for which the request is made;	(d) the type of criminal offence for which the request is made;	(d) the type of criminal offence for which the request is made;	(d) the type of criminal offence for which the request is made; Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 9(2), point (e)				
155	(e) the link of the proceedings to the requested Member State;	(e) the link of the proceedings to the requested Member State;	(e) the link of the proceedings to the requested Member State;	(e) the link of the proceedings to the requested Member State; Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 9(2), point (f)				
156	(f) details on the property targeted or sought, such as bank accounts, real estate, vehicles, vessels, aircraft, companies and other high value items;	(f) details on the property targeted or sought, such as bank accounts, real estate, vehicles, vessels, aircraft, companies and other high value items;	(f) details on the property targeted or sought, such as bank accounts, real estate, vehicles, vessels, aircraft, companies and other high value items;	(f) details on the property targeted or sought, such as bank accounts, real estate, vehicles, vessels, aircraft, companies and other high value items; Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 9(2), point (g)				
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	(g) and/or the natural or legal persons presumed to be involved, such as names, addresses, dates and places of birth, date of registration, shareholders, headquarters;	(g) and/or, ***if necessary for identification purposes, and if available, details on*** the natural or legal persons presumed to be involved, such as names, ***national identification numbers or social security numbers***, addresses, dates and places of birth, date of registration, shareholders, headquarters;	(g) and/or the natural or legal persons presumed to be involved, such as names, addresses, dates and places of birth, ***nationality and place of residence,*** date of registration, shareholders, ***country of establishment,*** headquarters ***and subsidiaries***;	(g) and/or, ***if necessary for identification purposes, anyd if available, details on*** the natural or legal persons presumed to be involved, such as names, ***nationality and place of residence, national identification numbers or social security numbers,*** addresses, dates and places of birth, date of registration, ***country of establishment,*** shareholders, headquarters ***and subsidiaries***; TM2 14072023 TM5 15092023 TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 9(2), point (h)				
158	(h) where applicable, reasons for the urgency of the request.	(h) where applicable, reasons for the urgency of the request.	(h) where applicable, reasons for the urgency of the request.	(h) where applicable, reasons for the urgency of the request. Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 9(3)				
159	3. Member States shall take the necessary measures to enable that their asset asset recovery offices exchange information with asset recovery offices of other Member States, without a request to that effect, whenever they are aware of	3. Member States shall take the necessary measures to enable that their asset ~~*asset*~~ recovery offices exchange information with asset recovery offices of other Member States, without a request to that effect, whenever they are aware of	3. Member States shall take the necessary measures to enable that their asset asset recovery offices exchange information with asset recovery offices of other Member States, without a request to that effect, whenever they are aware of	3. Member States shall take the necessary measures to enable that their asset ~~*asset*~~ recovery offices exchange information with asset recovery offices of other Member States, without a request to that effect, whenever they are aware of

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	information on instrumentalities, proceeds, or property that they consider necessary for the performance of the tasks of the asset recovery offices pursuant to Article 5. When providing such information, asset recovery offices shall set out the reasons why the information exchanged is considered necessary.	information on instrumentalities, proceeds, or property that they consider necessary for the performance of the tasks of the asset recovery offices pursuant to Article 5. When providing such information, asset recovery offices shall set out the reasons why the information exchanged is considered necessary.	information on instrumentalities, proceeds, or property that they consider necessary for the performance of the tasks of the asset recovery offices ***of that other Member State*** pursuant to Article 5. When providing such information, asset recovery offices shall set out the reasons why the information exchanged is considered necessary.	information on instrumentalities, proceeds, or property that they consider necessary for the performance of the tasks of the asset recovery offices ***of that other Member State*** pursuant to Article 5. When providing such information, asset recovery offices shall set out the reasons why the information exchanged is considered necessary. Text Origin: EP Mandate TM2 14072023 Confirmation during the trilogue on 3 October 2023
Article 9(4)				
G 160	4. Member States shall ensure that the information provided by asset recovery offices pursuant to paragraphs 1, 2 and 3 can be presented as evidence before a national court of a Member State, in accordance with procedures in national law.	4. ~~*Member States shall ensure that the information provided by asset recovery offices*~~ ***Unless otherwise indicated by the asset recovery office providing information*** pursuant to paragraphs 1 ***or 2, the asset recovery office receiving the information shall be entitled to present the information*** ~~*, 2 and 3 can be presented*~~ as evidence before a national court ***or competent authority*** of a Member State, in accordance with procedures in national law.	4. Member States shall ensure that the information provided by asset recovery offices pursuant to paragraphs 1, 2 and 3 can be presented as evidence before a national court of a Member State, ***where the provision of that information as evidence is compatible with that Member State's procedural rules on admissibility of evidence in criminal matters, and in compliance with the Charter of Fundamental Rights of the European Union and with the Member State's obligations under Article 6 TEU*** ~~*in accordance with procedures in national law*~~.	4. ~~*Member States shall ensure that the information provided by asset recovery offices*~~***Unless otherwise indicated by the asset recovery office providing information*** pursuant to paragraphs 1~~*, 2 and 3*~~ ***or 2, the information provided*** can be presented as evidence before a national court ***or competent authority of the receiving*~~*of a*~~ Member State, in accordance with procedures in national law***, including the procedural rules on admissibility of evidence in proceedings in criminal matters in line with the Charter of the fundamental rights of the European Union and with obligations of Member States as set out in Article 6 TEU***. G

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				new green line TM2 14072023 TM6 22092023 ITM10 13112023 ITM11 21112023
Article 9(5)				
G 161	5. Member States shall ensure that asset recovery offices have direct access to SIENA and use the SIENA system for exchanging information pursuant to this Article.	5. Member States shall ensure that asset recovery offices have direct access to SIENA and use the ***specific fields designed for the asset recovery offices in the*** SIENA system ***that correspond to the information required under paragraph 2 or, where appropriate, other secure channels*** for exchanging information pursuant to this Article.	5. ***Information under this Article shall be exchanged through SIENA or, where necessary on exceptional basis, through other secure channels.*** Member States shall ensure that ***their*** asset recovery offices have direct access to SIENA ~~*and use the SIENA system for exchanging information pursuant to this Article*~~.	5. Member States shall ensure that asset recovery offices have direct access to SIENA and use the ***specific fields designed for the asset recovery offices in the*** SIENA system ***that correspond to the information required under paragraph 2 or, where necessary on exceptional basis, through other secure channels*** for exchanging information pursuant to this Article. Text Origin: Council Mandate TM2 14072023 TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 9(6)				
G 162	6. Asset recovery offices may refuse to provide information to the requesting asset recovery office if there are factual reasons to assume that the provision of information would:	6. Asset recovery offices may refuse to provide information to the requesting asset recovery office if there are factual reasons to assume that the provision of information would:	6. Asset recovery offices may refuse to provide information to the requesting asset recovery office if there are factual reasons to assume that the provision of information would:	6. Asset recovery offices may refuse to provide information to the requesting asset recovery office if there are factual reasons to assume that the provision of information would: Text Origin: Commission

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				Proposal Confirmation during the trilogue on 3 October 2023
Article 9(6), point (a)				
163	(a) harm the fundamental national security interests of the requested Member State;	(a) harm the fundamental national security interests of the requested Member State;	(a) harm the fundamental national security interests of the requested Member State;	(a) harm the fundamental national security interests of the requested Member State; Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 9(6), point (b)				
164	(b) jeopardise an ongoing investigation, or a criminal intelligence operation, or pose an imminent threat to the life or physical integrity of a person.	(b) jeopardise an ongoing investigation, or a criminal intelligence operation, or pose an imminent threat to the life or physical integrity of a person-;	(b) jeopardise an ongoing investigation, or a criminal intelligence operation, or pose an imminent threat to the life or physical integrity of a person.	(b) jeopardise an ongoing investigation, or a criminal intelligence operation, or pose an imminent threat to the life or physical integrity of a person-; Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 9(6), point (ba)				
164a			***(ba) not be in accordance with the fundamental principles of national law, with the Charter of Fundamental Rights of the European Union, or with Member State's obligations under Article 6 TEU.***	***(ba) deleted*** new green line TM2 14072023 TM6 22092023 ITM10 13112023 ITM11 21112023

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				ITM13 27112023 ITM14 05122023
Article 9(6), point (bb)				
164b		***(c) clearly be disproportionate or irrelevant with regard to the purposes for which it has been requested.***		***(bb) clearly be disproportionate or irrelevant with regard to the purposes for which it has been requested.*** new green line TM2 14072023 TM6 22092023 ITM14 05122023
Article 9(7)				
165	7. Member States shall take the necessary measures to ensure that reasons are given for refusals to provide information. Refusals shall only affect the part of the requested information to which the reasons set out in paragraph 6 relate and shall, where applicable, leave the obligation to provide the other parts of the information in accordance with this Directive unaffected.	7. Member States shall take the necessary measures to ensure that reasons are given for refusals to provide information. Refusals shall only affect the part of the requested information to which the reasons set out in paragraph 6 relate and shall, where applicable, leave the obligation to provide the other parts of the information in accordance with this Directive unaffected.	7. ***For refusals to give information,*** Member States shall take the necessary measures to ensure that reasons are given ~~*for refusals to provide information*~~***and that the requesting asset recovery office is consulted in advance***. Refusals shall only affect the part of the requested information to which the reasons set out in paragraph 6 relate and shall, where applicable, leave the obligation to provide the other parts of the information in accordance with this Directive unaffected.	7. ***For refusals to give information,*** Member States shall take the necessary measures to ensure that reasons are given ~~*for refusals to provide information*~~***and that the requesting asset recovery office is consulted in advance***. Refusals shall only affect the part of the requested information to which the reasons set out in paragraph 6 relate and shall, where applicable, leave the obligation to provide the other parts of the information in accordance with this Directive unaffected. Text Origin: EP Mandate TM2 14072023 TM6 22092023 Confirmation during the trilogue on 3 October 2023

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Article 10				
166	Article 10 Time limits for provision of information	Article 10 Time limits for provision of information	Article 10 Time limits for provision of information	Article 10 Time limits for provision of information Text Origin: Commission Proposal
Article 10(1)				
167	1. Member States shall ensure that asset recovery offices respond to requests for information pursuant to Article 9 paragraph 1, as soon as possible and in any event within the following time limits:	1. Member States shall ensure that asset recovery offices respond to requests for information pursuant to Article 9 paragraph 1, as soon as possible and in any event within the following time limits:	1. Member States shall ensure that asset recovery offices respond to requests for information pursuant to Article 9 paragraph 1, as soon as possible and in any event within the following time limits:	1. Member States shall ensure that asset recovery offices respond to requests for information pursuant to Article 9 paragraph 1, as soon as possible and in any event within the following time limits: Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 10(1), point (a)				
168	(a) seven calendar days, for all requests that are not urgent;	(a) ~~seven~~ ***14*** calendar days, for all requests that are not urgent;	(a) seven calendar days, for all requests that are not urgent;	(a) ***(a)*** seven calendar days, for all requests that are not urgent; TM2 14072023 TM3 30082023 TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 10(1), point (b)				

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169	(b) eight hours, for urgent requests relating to information referred to in Article 6 (1), which is stored in databases and registers.	(b) eight hours, for urgent requests relating to information referred to in Article 6 ~~(1)~~, which is stored in databases and registers~~.~~ ***to which they have direct access;***	(b) eight hours, for urgent requests relating to information referred to in Article 6 (1), which is stored in databases and registers.	(b) eight hours, for urgent requests relating to information referred to in Article 6 ~~(1)~~, which is stored in databases and registers~~.~~ ***to which they have direct access;*** Text Origin: Council Mandate TM2 14072023 TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 10(1), point (ba)				
169a		***(c) three calendar days, for urgent requests relating to information to which they do not have direct access.***		***(c) three calendar days, for urgent requests relating to information to which they do not have direct access.*** Text Origin: Council Mandate TM2 14072023 TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 10(2)				
170	2. Where the information requested pursuant to paragraph 1, point (b) is not directly available or the request pursuant to paragraph 1, point (a) imposes a disproportionate burden, the asset recovery office receiving the request may postpone the provision of the information. In that case, the requested asset recovery office shall immediately inform the	2. Where the information requested pursuant to paragraph 1~~, point (b) is not directly available or the request pursuant to paragraph 1, point (a)~~ imposes a disproportionate burden, the asset recovery office receiving the request may postpone the provision of the information. In that case, the requested asset recovery office shall immediately inform the	2. ~~Where~~***Member States shall ensure that the receipt of requests for information pursuant to this Directive are immediately and systematically acknowledged.Where*** the information requested pursuant to paragraph 1, point (b) is not directly available or the request pursuant to paragraph 1, point (a) imposes a disproportionate burden,	2. Where the information requested pursuant to paragraph 1, point (b) is not directly available or the request pursuant to paragraph 1, point (a) imposes a disproportionate burden, the asset recovery office receiving the request may postpone the provision of the information. In that case, the requested asset recovery office shall immediately inform the

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	requesting asset recovery office of this postponement and shall provide the requested information as soon as possible, and in any event within three days of the initial deadline established pursuant to paragraph 1.	requesting asset recovery office of this postponement and shall provide the requested information as soon as possible, and in any event within three days of the initial deadline established pursuant to paragraph 1.	the asset recovery office receiving the request may postpone the provision of the information. In that case, the requested asset recovery office shall immediately inform the requesting asset recovery office of this postponement and shall provide the requested information as soon as possible, and in any event within three days of the initial deadline established pursuant to paragraph 1.	requesting asset recovery office of this postponement and shall provide the requested information as soon as possible, and in any event within ***seven days of the initial deadline established pursuant to paragraph 1, point (a) or*** three days of the initial deadline established pursuant to paragraph 1***, points (b) and (c)***. new green line TM2 14072023 TM3 30082023 TM6 22092023 ITM10 13112023 ITM11 21112023
Article 10(2a)				
170a		***2bis. In order to fulfil the time limit pursuant to paragraph 1, point (b), Member States may delegate the authority to respond to other functions, such as the Single Point of Contact pursuant to Directive 202xx/xx [Directive on the exchange of information between the law enforcement authorities].***		***2a.*** new green line TM2 14072023 TM6 22092023 ITM11 21112023
Article 10(2b)				
170b		***3. The time limits set out in paragraph 1 shall commence as soon as the request for information is received.***		***3. The time limits set out in paragraph 1 shall commence as soon as the request for information is received.***

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				Text Origin: Council Mandate TM2 14072023 Confirmation during the trilogue on 3 October 2023
CHAPTER III				
171	CHAPTER III Freezing and confiscation	CHAPTER III Freezing and confiscation	CHAPTER III Freezing and confiscation	CHAPTER III Freezing and confiscation Text Origin: Commission Proposal
Article 11				
172	Article 11 Freezing	Article 11 Freezing	Article 11 Freezing	Article 11 Freezing Text Origin: Commission Proposal
Article 11(1)				
173	1. Member States shall take the necessary measures to enable the freezing of property necessary to ensure a possible confiscation of that property under Article 12.	1. Member States shall take the necessary measures to enable the freezing of property necessary to ensure a possible confiscation of ~~*that*~~ property under ~~*Article 12*~~***Articles 12 to 16 by competent authorities. The freezing measures shall consist of freezing orders and immediate action***.	1. Member States shall take the necessary measures to enable the freezing of property necessary to ensure a possible confiscation of that property under Article 12 ***to 16 and to ensure the right to restitution and compensation to victims according to the provisions of this Directive***.	1. Member States shall take the necessary measures to enable the freezing of property necessary to ensure a possible confiscation of that property under Article 12 ***to 16. The freezing measures shall consist of freezing orders and immediate action***. new green line Text Origin: EP Mandate TM30082023 TM6 22092023 TM8 27102023

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Article 11(1a)				
G 173a			***1a. Freezing measures shall consist of freezing orders and immediate action in the form of temporary urgent freezing measures.***	***1a. deleted*** new green line TM3 30082023 TM6 22092023 ITM11 21112023
Article 11(2)				
G 174	2. Freezing measures shall include immediate action to be taken when necessary in order to preserve the property.	2. ~~*Freezing measures shall include*~~ Immediate action ~~*to*~~***shall*** be taken when necessary in order to preserve the property ***until a freezing order has been issued. Member States may limit the temporary validity of the immediate action***.	2. ~~*Freezing measures shall include immediate action to*~~***Immediate action in the form of temporary urgent freezing measures shall*** be taken when necessary in order to preserve the property ***concerned***.	2. ~~*Freezing measures shall include*~~ Immediate action ~~*to*~~***shall*** be taken when necessary in order to preserve the property ***until a freezing order has been issued. When immediate action does not take the form of a freezing order, Member States shall limit the temporary validity of the immediate action***. CSL agrees conditionally on the COM's proposal for recitals 20 and 20a (ITM11 21112023). new green line TM3 30082023 TM6 22092023 ITM10 13112023 ITM11 21112023
Article 11(3)				
R 175	3. Member States shall enable asset	3. Member States ~~*shall*~~***may*** enable	3. ***Without prejudice to the powers***	3. ***[Without prejudice to the powers***

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	recovery offices to take immediate action pursuant to paragraph 2 until a freezing order pursuant to paragraph 1 is issued. The validity of such temporary urgent freezing measures shall not exceed seven days.	asset recovery offices to take immediate action ~~pursuant to paragraph 2 until a freezing order pursuant to paragraph 1 is issued. The validity of such temporary urgent freezing measures shall not exceed seven days.~~ ***where necessary to preserve the property that they have traced and identified in the exercise of their tasks pursuant to Article 5.***	***of other competent authorities,*** Member States shall enable asset recovery offices to take immediate action pursuant to paragraph 2 until a freezing order pursuant to paragraph 1 is issued. The validity of such temporary urgent freezing measures shall not exceed seven days.	***of other competent authorities,*** Member States shall enable asset recovery offices to take immediate action pursuant to paragraph 2 ~~until a freezing order~~***where there is an imminent risk that the property that they have traced and identified in the exercise of their tasks*** pursuant to ~~paragraph 1 is issued~~***Article 5(2)(b) disappears***. The validity of such ~~temporary urgent freezing measures~~***immediate action*** shall not exceed seven days.***]*** trilogue TM3 30082023 TM5 15092023 TM6 22092023 ITM11 21112023 ITM14 05122023
Article 11(4)				
G 176	4. Property in the possession of a third party can be subject to freezing measures pursuant to paragraphs 1, 2 and 3 where necessary to ensure a possible confiscation under article 13.	*deleted*	4. Property in the possession of a third party can be subject to freezing measures pursuant to paragraphs 1~~, 2 and~~ ***to*** 3 where necessary to ensure a possible confiscation under Article 13.	4. ~~Property in the possession of a third party can be subject to freezing measures pursuant to paragraphs 1, 2 and 3 where necessary to ensure a possible confiscation under article 13.~~ ***deleted*** TM3 30082023 Confirmation during the trilogue on 3 October 2023
Article 11(5)				
G 177	5. Member States shall ensure that	5. Member States shall ensure that	5. Member States shall ensure that	5. Member States shall ensure that

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	the freezing orders pursuant to paragraphs 1, 2, 3 and 4 are issued by a competent authority and are adequately motivated.	the freezing ~~orders pursuant to paragraphs 1, 2, 3 and 4 are issued by a competent authority and are adequately motivated~~***measures are taken by a competent authority and that the reasons for them are set out in the relevant decision or recorded in the case file if the freezing measure is not ordered in writing***.	the freezing ~~orders~~***measures*** pursuant to paragraphs 1~~, 2, 3 and~~ ***to*** 4 are issued by a competent authority and are adequately motivated. ***Where a freezing order under this Directive has been issued by a competent authority other than a judicial authority, Member States shall ensure that such an order is validated or annulled by a judicial authority without undue delay.***	the freezing ~~orders pursuant to paragraphs 1, 2, 3 and 4 are issued by a competent authority and are adequately motivated~~***measures are taken by a competent authority and that the reasons for them are set out in the relevant decision or recorded in the case file if the freezing measure is not ordered in writing***. Text Origin: Council Mandate TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 11(6)				
178	6. The freezing order pursuant to paragraph 1 shall remain in force only for as long as it is necessary to preserve the property with a view to possible subsequent confiscation. Frozen property which is not subsequently confiscated, shall be returned to the owner of the property without delay. The conditions or procedural rules under which such property is returned shall be determined by national law.	6. The freezing order ~~pursuant to paragraph 1~~ shall remain in force only for as long as it is necessary to preserve the property with a view to possible subsequent confiscation. Frozen property which is not subsequently confiscated, shall be ~~returned to the owner of the property~~ ***unfrozen*** without ***undue*** delay. The conditions or procedural rules under which such property is ~~returned shall~~***unfrozenshall*** be determined by national law.	6. ~~The~~***A*** freezing order pursuant to paragraph 1 shall remain in force only for as long as it is necessary to preserve the property with a view to possible subsequent confiscation. Frozen property which is not subsequently confiscated, shall be returned ***without delay*** to the owner of the ***propertyor to the person from whom the*** property ~~without delay~~***was seized***. The conditions or procedural rules under which such property is returned shall be determined by national law.	6. The freezing order ~~pursuant to paragraph 1~~ shall remain in force only for as long as it is necessary to preserve the property with a view to possible subsequent confiscation. Frozen property which is not subsequently confiscated, shall be ~~returned to the owner of the property~~ ***unfrozen*** without ***undue*** delay. The conditions or procedural rules under which such property is ~~returned shall~~***unfrozenshall*** be determined by national law. Text Origin: Council Mandate TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 11(7)				
179				

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	7. Where the property to be frozen consists of entities that should be preserved as a going concern, such as undertakings, the freezing order shall include measures to exclude access to this property by the persons owning or controlling them while allowing for continued operations.	*deleted*	7. Where the property to be frozen consists of entities that should be preserved as a going concern, such as undertakings, the freezing order shall include measures to exclude access to this property by the persons owning or controlling them while allowing for continued operations.	7. ~~*Where the property to be frozen consists of entities that should be preserved as a going concern, such as undertakings, the freezing order shall include measures to exclude access to this property by the persons owning or controlling them while allowing for continued operations.*~~ ***deletion*** TM3 30082023 TM4 04092023 TM5 15092023 Confirmation during the trilogue on 3 October 2023
Article 12				
180	Article 12 Confiscation	Article 12 Confiscation	Article 12 Confiscation	Article 12 Confiscation Text Origin: Commission Proposal
Article 12(1)				
181	1. Member States shall take the necessary measures to enable the confiscation, either wholly or in part, of instrumentalities and proceeds stemming from a criminal offence following a final conviction, which may also result from proceedings in absentia.	1. Member States shall take the necessary measures to enable the confiscation, either wholly or in part, of instrumentalities and proceeds stemming from a criminal offence ~~*following*~~ ***subject to*** a final conviction, which may also result from proceedings in absentia.	1. Member States shall take the necessary measures to enable the confiscation, either wholly or in part, of instrumentalities and proceeds stemming from a criminal offence following a final conviction, which may also result from proceedings in absentia. ***Such confiscation may either be subsidiary or alternative to confiscation pursuant to paragraph 1.***	1. Member States shall take the necessary measures to enable the confiscation, either wholly or in part, of instrumentalities and proceeds stemming from a criminal offence ~~*following*~~ ***subject to*** a final conviction, which may also result from proceedings in absentia. Text Origin: Council Mandate TM3 30082023 Confirmation during the

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Article 12(2)				
182	2. Member States shall take the necessary measures to enable the confiscation of property the value of which corresponds to instrumentalities or proceeds stemming from a criminal offence following a final conviction, which may also result from proceedings in absentia.	2. Member States shall take the necessary measures to enable the confiscation of property the value of which corresponds to instrumentalities or proceeds stemming from a criminal offence ~~following~~ ***subject to*** a final conviction, which may also result from proceedings in absentia. ***Such confiscation may be subsidiary or alternative to confiscation pursuant to paragraph 1.***	2. Member States shall take the necessary measures to enable the confiscation of property the value of which corresponds to instrumentalities or proceeds stemming from a criminal offence following a final conviction, which may also result from proceedings in absentia.	2. Member States shall take the necessary measures to enable the confiscation of property the value of which corresponds to instrumentalities or proceeds stemming from a criminal offence ~~following~~ ***subject to*** a final conviction, which may also result from proceedings in absentia. ***Such confiscation may be subsidiary or alternative to confiscation pursuant to paragraph 1.*** Text Origin: Council Mandate TM3 30082023 Confirmation during the trilogue on 3 October 2023
Article 13				
183	Article 13 Confiscation from a third party	Article 13 Confiscation from a third party	Article 13 Confiscation from a third party	Article 13 Confiscation from a third party Text Origin: Commission Proposal
Article 13(1), first subparagraph				
184	Member States shall take the necessary measures to enable the confiscation of proceeds, or other property the value of which	Member States shall take the necessary measures to enable the confiscation of proceeds, or other property the value of which	Member States shall take the necessary measures to enable the confiscation of ***instrumentalities and*** proceeds, or other property ***up***	Member States shall take the necessary measures to enable the confiscation of proceeds, or other property the value of which

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	corresponds to proceeds, which, directly or indirectly, were transferred by a suspected or accused person to third parties, or which were acquired by third parties from a suspected or accused person.	corresponds to proceeds, which, directly or indirectly, were transferred by a suspected or accused person to third parties, or which were acquired by third parties from a suspected or accused person.	***to*** the value ~~*of which corresponds to*~~***corresponding to those instrumentalities and*** proceeds, which, directly or indirectly, were transferred by a suspected ***, accused or convicted*** ~~*or accused*~~ person to third parties, or which were acquired by third parties from a suspected ***, accused or convicted*** ~~*or accused*~~ person.	corresponds to proceeds, which, directly or indirectly, were transferred by a suspected or accused person to third parties, or which were acquired by third parties from a suspected or accused person. Text Origin: Commission Proposal TM6 22092023 Confirmation during the trilogue on 3 October 2023
Article 13(1), second subparagraph				
G 185	The confiscation of these proceeds or other property shall be enabled where it has been established that those third parties knew or ought to have known that the purpose of the transfer or acquisition was to avoid confiscation, on the basis of concrete facts and circumstances, including that the transfer or acquisition was carried out free of charge or in exchange for an amount significantly lower than the market value.	The confiscation of these proceeds or other property shall be enabled ***at least*** where it has been established that those third parties knew or ought to have known that the purpose of the transfer or acquisition was to avoid confiscation, on the basis of concrete facts and circumstances, including that the transfer or acquisition was carried out free of charge or in exchange for an amount significantly lower than the market value.	The confiscation of ~~*these*~~***those instrumentalities,*** proceeds or other property shall be enabled where ~~*it has been established*~~***a national court has established, based on the concrete facts and circumstances of the case, that the instrumentalities, proceeds or property to be confiscated are derived from or directly or indirectly linked to a criminal offence and*** that those third parties knew or ***could be expected*** ~~*ought*~~ to have known that the purpose of the transfer or acquisition was to avoid confiscation~~*, on the basis of concrete*~~ ***or that the transferred property was directly or indirectly linked to criminal offence in question. Such*** facts and circumstances~~*, including*~~ ***may include*** that the transfer or acquisition was carried out free of charge or in exchange for an amount	The confiscation of ~~*these*~~***those*** proceeds or other property shall be enabled where ~~*it has been established*~~***a national court has established, based on the concrete facts and circumstances of the case,*** that those third parties knew or ought to have known that the purpose of the transfer or acquisition was to avoid confiscation~~*, on the basis of concrete*~~***. Such*** facts and circumstances~~*, including that*~~ ***include: a)*** the transfer or acquisition was carried out free of charge or in exchange for an amount ~~*significantly lower than*~~***which is clearly disproportionate to*** the market value ***of the property or b) the property was transferred to closely related parties while remaining under the effective control of the suspected or accused person***. G

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			~~significantly lower than~~***which is disproportionate to*** the market value ***of the property***.	new green line Text Origin: Commission Proposal TM6 22092023 ITM 8 27102023 ITM10 13112023
Article 13(2)				
186	2. Paragraph 1 shall not affect the rights of bona fide third parties.	2. Paragraph 1 shall not ~~affect~~ ***prejudice*** the rights of bona fide third parties.	2. Paragraph 1 shall not affect the rights of bona fide third parties ***Where the affected party is closely related to the suspected, accused or convinced person, that affected party shall bear the burden of proof that the acquisition of the transferred property has taken place in bona fide and with due diligence.*** ***Member States shall ensure that the affected person's rights are respected including by granting access to a lawyer, by awarding access to the file and by ensuring the right to be heard on issues of law and fact***.	2. Paragraph 1 shall not ~~affect~~***prejudice*** the rights of bona fide third parties. new green line Text Origin: Commission Proposal ITM10 13112023 ITM11 21112023
Article 14				
187	Article 14 Extended confiscation	Article 14 Extended confiscation	Article 14 Extended confiscation	Article 14 Extended confiscation Text Origin: Commission Proposal

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Article 14(1)				
G 188	1. Member States shall take the necessary measures to enable the confiscation, either wholly or in part, of property belonging to a person convicted of a criminal offence where this offence is liable to give rise, directly or indirectly, to economic benefit, and where the national court is satisfied that the property is derived from criminal conduct.	1. Member States shall take the necessary measures to enable the confiscation, either wholly or in part, of property belonging to a person convicted of a criminal offence where ~~*this*~~***the*** offence ***committed*** is liable to give rise, directly or indirectly, to economic benefit, and where the national court is satisfied that the property is derived from criminal conduct.	1. Member States shall take the necessary measures to enable the confiscation, either wholly or in part, of property belonging to a person convicted of a criminal offence where this offence is liable to give rise, directly or indirectly, to economic benefit, and where the national court is satisfied that the property is derived from criminal conduct.	1. Member States shall take the necessary measures to enable the confiscation, either wholly or in part, of property belonging to a person convicted of a criminal offence where ~~*this*~~***the*** offence ***committed*** is liable to give rise, directly or indirectly, to economic benefit, and where the national court is satisfied that the property is derived from criminal conduct. Text Origin: Council Mandate TM3 30082023 Confirmation during the trilogue on 3 October 2023 G
Article 14(2)				
G 189	2. In determining whether the property in question is derived from criminal conduct, account shall be taken of all the circumstances of the case, including the specific facts and available evidence, such as that the value of the property is disproportionate to the lawful income of the convicted person.	2. In determining whether the property in question is derived from criminal conduct, account shall be taken of all the circumstances of the case, including the specific facts and available evidence, such as that the value of the property is disproportionate to the lawful income of the convicted person.	2. In determining whether the property in question is derived from criminal conduct, account shall be taken of all the circumstances of the case, including the specific facts and available evidence, such as that the value of the property is disproportionate to the lawful income of the convicted person.	2. In determining whether the property in question is derived from criminal conduct, account shall be taken of all the circumstances of the case, including the specific facts and available evidence, such as that the value of the property is disproportionate to the lawful income of the convicted person. Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023 G
Article 14(3)				

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189a		***3. For the purposes of this Article, the notion of 'criminal offence' shall include at least the offences listed in Article 2 paragraphs 1 to 4 when punishable by deprivation of liberty of a maximum of at least four years.***	PUBLIC	***3. For the purposes of this Article, the notion of 'criminal offence' shall include at least the offences listed in Article 2 paragraphs 1 to 4 when punishable by deprivation of liberty of a maximum of at least four years.*** new green line Text Origin: Council Mandate ITM 8 27102023
Article 15				
190	Article 15 Non-conviction based confiscation	Article 15 Non-conviction based confiscation	Article 15 Non-conviction based confiscation	Article 15 Non-conviction based confiscation Text Origin: Commission Proposal
Article 15(1)				
191	1. Member States shall take the necessary measures to enable, under the conditions set out in paragraph 2, the confiscation of instrumentalities and proceeds, or property as referred to in Article 12, or which was transferred to third parties as referred to in Article 13, in cases where criminal proceedings have been initiated but the proceedings could not be continued because of the following circumstances:	1. Member States shall take the necessary measures to enable, under the conditions set out in paragraph 2, the confiscation of instrumentalities and proceeds, or property as referred to in Article ~~12~~***12(2)***, or which was transferred to third parties as referred to in Article 13, in cases where criminal proceedings have been initiated but the proceedings could not be continued because of ***at least*** the following circumstances:	1. Member States shall take the necessary measures to enable, under the conditions set out in paragraph 2, the confiscation of instrumentalities and proceeds, or property as referred to in Article 12, or which was transferred to third parties as referred to in Article 13, in cases where criminal proceedings have been initiated but the proceedings could not be continued because of the following circumstances:	1. Member States shall take the necessary measures to enable, under the conditions set out in paragraph 2, the confiscation of instrumentalities and proceeds, or property as referred to in Article 12, or which was transferred to third parties as referred to in Article 13, in cases where criminal proceedings have been initiated but the proceedings could not be continued because of the following circumstances:

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				new green line Text Origin: Commission Proposal ITM 8 27102023
Article 15(1), point (a)				
192	(a) illness of the suspected or accused person;	(a) illness of the suspected or accused person;	(a) illness of the suspected or accused person***, where the inability to continue proceedings because of that illness results in the expiry of the time limits laid down in national law for criminal liability***;	(a) illness of the suspected or accused person; new green line Text Origin: Commission Proposal TM5 15092023 ITM 8 27102023 ITM11 21112023
Article 15(1), point (b)				
193	(b) absconding of the suspected or accused person;	(b) absconding of the suspected or accused person;	(b) absconding of the suspected or accused person;	(b) absconding of the suspected or accused person; Text Origin: Commission Proposal TM30082023 Confirmation during the trilogue on 3 October 2023
Article 15(1), point (c)				
194	(c) death of the suspected or accused person;	(c) death of the suspected or accused person;	(c) death of the suspected or accused person;	(c) death of the suspected or accused person; Text Origin: Commission Proposal TM30082023

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Article 15(1), point (d)				
195	(d) immunity from prosecution of the suspected or accused person, as provided for under national law;	*deleted*	(d) immunity from prosecution of the suspected or accused person, as provided for under national ***or international*** law;	(d) ~~*immunity from prosecution of the suspected or accused person, as provided for under national law;*~~***deleted*** new green line TM3 30082023 TM5 15092023 ITM8 27102023
Article 15(1), point (e)				
196	(e) amnesty granted to the suspected or accused person, as provided for under national law;	*deleted*	*(e)* amnesty granted to the suspected or accused person, as provided for under national law;	(e) ~~*amnesty granted to the suspected or accused person, as provided for under national law;*~~***deleted*** new green line TM3 30082023 TM5 15092023 ITM8 27102023
Article 15(1), point (f)				
197	(f) the time limits prescribed by national law have expired, where such limits are not sufficiently long to allow for the effective investigation and prosecution of the relevant criminal offences.	(f) the ~~*time limits*~~ ***limitation periods*** prescribed by national law ~~*have expired, where such limits are not sufficiently long to allow for the effective investigation and prosecution of the relevant*~~ ***for the relevant criminal offences have***	(f) the time limits prescribed by national law have expired, where such limits are not sufficiently long ***and do not exceed fifteen years*** to allow for the effective investigation and prosecution of the relevant criminal offences.	(f) the ~~*time limits*~~***limitation period for the relevant criminal offence*** prescribed by national law ~~*have expired, where such limits are not sufficiently long to allow for the effective investigation and prosecution of the relevant*~~ ***is below***

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		expired after the initiation of criminal ~~*offences*~~***proceedings***.		***fifteen years and has expired after the initiation of*** criminal ~~*offences*~~***proceedings***. new green line TM3 30082023 TM5 15092023 ITM8 27102023
Article 15(2)				
G 198	2. Confiscation without a prior conviction shall be limited to criminal offences liable to give rise, directly or indirectly, to substantial economic benefit and only insofar as the national court is satisfied that all the elements of the offence are present.	2. Confiscation without a prior conviction ***under this Article*** shall be limited to ***cases where the*** criminal ~~*offences liable to give rise, directly or indirectly, to substantial economic benefit and only insofar as the national court is satisfied that all the elements of the offence are present*~~***proceedings could have led to a criminal conviction should the circumstances according to paragraph 1 not have existed and to criminal offences liable to give rise, directly or indirectly, to economic benefit***.	2. Confiscation without a prior conviction shall be limited to criminal offences liable to give rise, directly or indirectly, to substantial economic benefit and only insofar as the national court is satisfied***, based on available information,*** that all the elements of the offence are present ***and has established that the instrumentalities, proceeds or property to be confiscated are derived from or directly or indirectly linked to the criminal offence in question. The burden of proof shall lie with the prosecution***.	2. Confiscation without a prior conviction ***under this Article*** shall be limited to ***cases where, in absence of the circumstances pursuant to paragraph 1,*** criminal ***proceedings could have led to a criminal conviction, at least for*** offences liable to give rise, directly or indirectly, to substantial economic benefit***, and where*** ~~*and only insofar as*~~ the national court is satisfied that ~~*all the elements of the*~~ ***the instrumentalities, proceeds or property to be confiscated are derived from or directly or indirectly linked to the criminal*** offence ~~*are present*~~***in question***. new green line TM3 30082023 TM5 15092023 ITM 8 27102023 ITM11 21112023 ITM14 05122023 G

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Article 15(3)					
G	199	3. Before a confiscation order within the meaning of paragraphs 1 and 2 is issued by the court, Member States shall ensure that the affected person's rights of defence are respected including by awarding access to the file and the right to be heard on issues of law and fact.	*deleted*	3. Before a confiscation order within the meaning of paragraphs 1 and 2 is issued by the court, Member States shall ensure that the affected person's rights of defence are respected including by ***granting access to a lawyer and*** awarding access to the file and the right to be heard on issues of law and fact.	3. ~~*Before a confiscation order within the meaning of paragraphs 1 and 2 is issued by the court, Member States shall ensure that the affected person's rights of defence are respected including by awarding access to the file and the right to be heard on issues of law and fact.*~~***deleted*** new green line TM3 30082023 ITM 8 27102023 ITM11 21112023	G
Article 15(4)					
G	200	4. For the purposes of this Article, the notion of 'criminal offence' shall include offences listed in Article 2 when punishable by deprivation of liberty of a maximum of at least four years.	*deleted*	*4.* For the purposes of this Article, the notion of 'criminal offence' shall include offences listed in Article 2 when punishable by deprivation of liberty of a maximum of at least four years.	4. ~~*For the purposes of this Article, the notion of 'criminal offence' shall include offences listed in Article 2 when punishable by deprivation of liberty of a maximum of at least four years.*~~***deleted*** new green line TM3 30082023 ITM 8 27102023 ITM11 21112023	G
Article 16					
R	201	Article 16 Confiscation of unexplained wealth	Article 16 Confiscation of unexplained wealth	Article 16 Confiscation of unexplained wealth	Article 16 Confiscation of unexplained wealth	R

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	linked to criminal activities	linked to criminal ~~activities~~***conduct***	linked to criminal activities	linked to criminal ~~activities~~***conduct*** CON proposal (5/12) for the related recitals :RECITALS (28) Due to the intrinsically opaque nature of organised crime, it is not always possible to link property derived from criminal activities to a specific criminal offence and confiscate such property. In situations, when the confiscation measures of Article 12 to 15 are not applied for legal or factual reasons, it should still be possible to confiscate property that has been identified or, where the national legal system requires freezing, frozen in the context of an investigation in relation to a criminal offence based on indications that the property could be derived from criminal activities. Such property should be confiscated where the court is satisfied that the property is derived from criminal activities committed within the framework of a criminal organisation and where these activities are is liable to give rise, directly or indirectly, to substantial economic benefit. When determining whether criminal activities are liable to give rise to substantial economic benefit, Member States may take into account all relevant circumstances including the modus operandi, for example if a condition of the offence is that it was committed in the context of organised crime or with the intention of generating regular profits from criminal offences. Member States should enable

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				confiscation of such unexplained wealth when the investigation in which the property was identified concerns an offence falling within the scope of this Directive that is punishable by deprivation of liberty of a maximum of at least four years.These conditions ensure that confiscation of property not linked to a specific offence refers to criminal activities that meet a certain threshold of seriousness. [The Directive does not prevent Member States from adopting confiscation measures under this Directive that extend the scope of unexplained confiscation measures to a broader set of crimes or circumstances provided that it is ensured that such confiscation measures are subject to procedures that satisfy essential characteristics of a criminal procedure and in particular its safeguards.] The rights of bona fide third parties should be protected in accordance with national law. [(28bis) This directive is without prejudice to the types of measures that Member States may use to confiscate unexplained wealth, provided that it is ensured that such confiscation measures are subject to procedures that satisfy essential characteristics of a criminal procedure, in particular its safeguards. Viewing that the subject matter of the Directive is limited to proceedings in criminal matters, the Directive, does not apply to confiscation measures in proceedings in civil matters, that Member States might

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				have implemented.] (28-a) While it should not be a precondition for the national court to be satisfied that a specific criminal offence has been committed or that the property stems from specific offences, there must be sufficient facts and circumstances for the court to be satisfied that the property in question is derived from criminal activities. The relevant activities could consist of any type of [serious] offence committed within the framework of a criminal organisation. [Individual offences do not have to be proven, but the court must be satified that the property in question is derived from such criminal conduct.] When determining whether the property should be confiscated, the national courts should take into account all relevant circumstances of the case, including the available evidence and specific facts, such as that the value of the property is substantially disproportionate to the lawful income of the person. Another circumstance that could be considered is the absence of a plausible licit source of the property, as the provenance of lawfully acquired property can normally be accounted for. The person's connection to activities of a criminal organisation could also be of relevance. Also, other circumstances such as prior entries in the criminal register as well as the situation in which the property was found or indications of participation in criminal activities might be taken into

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				account. The assessment should be made on a case-by-case basis depending on the circumstances of the case. The mechanism of confiscation of unexplained wealth is not intended to be used when in the individual case the application of the rules set out in the Directive would be manifestly unreasonable or disproportionate. Member States could also determine a requirement for a certain period of time during which the property could be deemed to have originated from such criminal conduct. Member States should ensure that the appropriate procedural rights of the affected person are respected. (28-b) Confiscation of unexplained wealth should be possible when proceedings are discontinued. It should be noted that when the offence is prosecuted, the confiscation order should not necessarily have to be tried in conjunction with the offence, Member States could also allow for the issue of confiscation to be separated from the criminal charges and be tried separetely provided that the court deciding on the confiscation proceedings is competent in criminal matters and the proceedings satisfy essential characteristics of a criminal procedure, in particular its safeguards. EP (06/12): "where Articles 12 to 15 may not be applied ": for para1 (and not "are not applied")- reference to national law in recital (28) -

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				CON presidency proposal (5/12):Article 16 Confiscation of unexplained wealth linked to criminal activities 1. Member States shall, where Articles 12 to 15 are not applied, take the necessary measures to enable the confiscation of property identified in the context of an investigation in relation to a criminal offence, where the national court is satisfied that the identified property is derived from criminal activities committed within the framework of a criminal organisation, at least where these activities are liable to give rise, directly or indirectly, to substantial economic benefit. 2. When determining whether the property referred to in paragraph 1 should be confiscated, account shall be taken of all the circumstances of the case, including the available evidence and specific facts, which, where relevant, may include, but are not limited to: a) that the value of the property is substantially disproportionate to the lawful income of the affected person, b) that there is no plausible licit source of the property, c) the affected person is linked to the activities of a criminal organisation. 3. Paragraph 1 shall not prejudice the rights of bona fide third parties 4. For the purposes of this Article, the notion of 'criminal offence' shall include offences referred to in Article 2

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				paragraphs 1 to 4 when punishable by deprivation of liberty of a maximum of at least four years. 5. Member States may provide, alternatively or cumulatively, that the confiscation of unexplained wealth in accordance with this Article shall only be pursued where the property to be confiscated has been previously frozen in the context of the investigation where it was identified. trilogue Text Origin: Council Mandate ITM14 05122023 ITM15 06122023
Article 16(1)				
R 202	1. Member States shall take the necessary measures to enable the confiscation of property, where confiscation is not possible pursuant to Articles 12 to 15 and the following conditions are fulfilled:	1. Member States shall take the necessary measures to enable the confiscation of property ***identified in the context of an investigation in relation to a criminal offence***, where ***the national court is satisfied that the property is derived from criminal conduct, at least where this conduct is liable to give rise, directly or indirectly, to substantial economic benefit and committed within the framework of a criminal organisation.*** ~~*confiscation is not possible pursuant to Articles 12 to 15 and the following conditions are fulfilled:*~~	1. Member States shall take the necessary measures to enable the confiscation of property~~,~~ ***frozen in the context of an investigation into criminal offences*** where confiscation is not possible pursuant to Articles 12 to 15 and ***where the national court is satisfied that the frozen property is derived from a criminal offence which is liable to give rise, directly or indirectly, to a substantial economic benefit and which was committed in the framework of a criminal organisation*** ~~*the following conditions are fulfilled*~~: ***In order to determine whether the frozen property is derived from a***	1. Member States shall take the necessary measures to enable the confiscation of property ***identified in the context of an investigation in relation to a criminal offence***, where ***the national court is satisfied that the property is derived from criminal conduct, at least where this conduct is liable to give rise, directly or indirectly, to substantial economic benefit and committed within the framework of a criminal organisation.*** ~~*confiscation is not possible pursuant to Articles 12 to 15 and the following conditions are fulfilled:*~~ trilogue

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			criminal offence, the national court shall take account of all the circumstances of the case, including the specific facts and available evidence, such as the fact that the value of the property is substantially disproportionate to the lawful income of the owner of the property which cannot be justified on the basis of lawful activities. The burden of proof shall lie with the prosecution.	Text Origin: Council Mandate
Article 16(1), point (a)				
G	203	(a) the property is frozen in the context of an investigation into criminal offences committed in the framework of a criminal organisation;	*deleted*	*deleted*	(a) ~~*the property is frozen in the context of an investigation into criminal offences committed in the framework of a criminal organisation;*~~***deletion*** TM3 30082023 Confirmation during the trilogue on 3 October 2023
Article 16(1), point (b)				
G	204	(b) the criminal offence pursuant to point (a) is liable to give rise, directly or indirectly, to substantial economic benefit;	*deleted*	*deleted*	(b) ~~*the criminal offence pursuant to point (a) is liable to give rise, directly or indirectly, to substantial economic benefit;*~~***deletion*** TM3 30082023 Confirmation during the trilogue on 3 October 2023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 16(1), point (c)				
G	205	(c) the national court is satisfied that the frozen property is derived from criminal offences committed in the framework of a criminal organisation.	*deleted*	*deleted*	(c) ~~*the national court is satisfied that the frozen property is derived from criminal offences committed in the framework of a criminal organisation.*~~***deletion*** TM3 30082023 Confirmation during the trilogue on 3 October 2023	G
Article 16(1), point (ca)				
Y	205a		***1a. Paragraph 1 shall not prejudice the rights of bona fide third parties.***		***(ca) Paragraph 1 shall not prejudice the rights of bona fide third parties.*** Council to revert (Parliament considers unnecessary) Council to revert EP to revert Commission to revert Text Origin: Council Mandate	Y
Article 16(2)				
Y	206	2. When determining whether the frozen property is derived from criminal offences, account shall be taken of all the circumstances of the case, including the specific facts and available evidence, such as that the	2. When determining whether the ***property referred to in paragraph 1 should be confiscated*** ~~*frozen property is derived from criminal offences*~~, account shall be taken of all the circumstances of the case,	*deleted*	2. ~~*When determining*~~***EP mandate (from paragraph 1 last sentence):*** ***[In order to determine*** whether the frozen property is derived from ***a*** criminal ~~*offences, account*~~***offence,***	Y

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	value of the property is substantially disproportionate to the lawful income of the owner of the property.	including the ~~*specific facts and*~~ available evidence~~*, such as that the value of the property is substantially disproportionate to the lawful income of the owner of the property.*~~ ***and specific facts , which, where relevant, may include, but are not limited to :***	PUBLIC	***the national court*** shall ~~*be taken*~~***take account*** of all the circumstances of the case, including the specific facts and available evidence, such as ***the fact*** that the value of the property is substantially disproportionate to the lawful income of the owner of the property ***which cannot be justified on the basis of lawful activities. The burden of proof shall lie with the prosecution.]*** TM3 30082023 ITM 8 27102023
Article 16(2a)				
Y	206a	***– that the value of the property is substantially disproportionate to the lawful income of the affected person,***		***– that the value of the property is substantially disproportionate to the lawful income of the affected person,*** Text Origin: Council Mandate
Article 16(2b)				
Y	206b	***– that there is no plausible licit source of the property,***		***– that there is no plausible licit source of the property,*** Text Origin: Council Mandate
Article 16(2c)				
Y	206c	***– that the person is connected to people linked to a criminal organisation.***		***– that the person is connected to people linked to a criminal organisation.***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 16(3)				
G 207	3. For the purposes of this Article, the notion of 'criminal offence' shall include offences referred to in Article 2 when punishable by deprivation of liberty of a maximum of at least four years.	3. For the purposes of this Article, the notion of 'criminal offence' shall include offences referred to in Article 2 ***paragraphs 1 to 4*** when punishable by deprivation of liberty of a maximum of at least four years.	3. For the purposes of this Article, the notion of 'criminal offence' shall include offences referred to in Article 2 when punishable by deprivation of liberty of a maximum of at least four years.	3. For the purposes of this Article, the notion of 'criminal offence' shall include offences referred to in Article 2 ***paragraphs 1 to 4*** when punishable by deprivation of liberty of a maximum of at least four years. Text Origin: Council Mandate TM3 30082023 Confirmation during the trilogue on 3 October 2023 G
Article 16(4)				
R 208	4. Before a confiscation order within the meaning of paragraphs 1 and 2 is issued by the court, Member States shall ensure that the affected person's rights of defence are respected including by awarding access to the file and the right to be heard on issues of law and fact.	4. ~~*Before a confiscation order within the meaning of paragraphs 1 and 2 is issued by the court, Member States shall ensure*~~ ***Member States may provide, alternatively or cumulatively,*** that the ~~*affected person's rights of defence are respected including by awarding access to the file and the right to be heard on issues of law and fact.*~~***confiscation of unexplained wealth in accordance with this Article shall only be pursued where***	4. Before a confiscation order within the meaning of paragraphs 1 and 2 is issued by the court, Member States shall ensure that the affected person's rights of defence are respected including by ***granting access to a lawyer*** awarding access to the file and the right to be heard on issues of law and fact.	4. ~~*Before a confiscation order within the meaning of paragraphs 1 and 2 is issued by the court, Member States shall ensure*~~ ***Member States may provide, alternatively or cumulatively,*** that the ~~*affected person's rights of defence are respected including by awarding access to the file and the right to be heard on issues of law and fact.*~~ ***confiscation of unexplained wealth in accordance with this Article shall only be pursued where*** trilogue Text Origin: Council Mandate R

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
Article 16(4a)					
R 208a		– confiscation pursuant to Articles 12 to 15 is not possible,		– confiscation pursuant to Articles 12 to 15 is not possible, trilogue Text Origin: Council Mandate	R
Article 16(4b)					
R 208b		– the property to be confiscated has been frozen in the context of an investigation in relation to a criminal offence committed within the framework of a criminal organisation.		– the property to be confiscated has been frozen in the context of an investigation in relation to a criminal offence committed within the framework of a criminal organisation. trilogue Text Origin: Council Mandate	R
Article 17					
G 209	Article 17 Effective confiscation and execution	Article 17 Effective confiscation and execution	Article 17 Effective confiscation and execution	Article 17 Effective confiscation and execution Text Origin: Commission Proposal	G
Article 17(1)					
G 210	1. Member States shall take the necessary measures to enable the tracing and identification of property to be frozen and confiscated even	1. Member States shall take the necessary measures to enable the tracing and identification of property to be frozen and confiscated even	1. Member States shall take the necessary measures to enable the tracing and identification of property to be frozen and confiscated even	1. Member States shall take the necessary measures to enable the tracing and identification of property to be frozen and confiscated even	G

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	after a final conviction for a criminal offence, or following proceedings in application of Articles 15 and 16.	after a final conviction for a criminal offence, or following proceedings in application of Articles 15 and 16.	after a final conviction for a criminal offence, or following proceedings in application of Articles 15 and 16. ***Member States shall ensure that such investigations are also possible with a view to obtaining compensation for the victims.***	after a final conviction for a criminal offence, or following proceedings in application of Articles 15 and 16. new green line Text Origin: Commission Proposal TM8 27102023
Article 17(1a)				
G 210a			***1a. For the purpose of paragraph 1, Member States shall ensure that competent authorities may use the same investigative powers as those available for the tracing and freezing of assets pursuant to Chapter II of this Directive.***	***1a. For the purpose of paragraph 1, Member States shall ensure that competent authorities may use tracing and identification tools that are as effective as those available for the tracing and freezing of assets under Chapter II of this Directive.*** new green line Text Origin: EP Mandate TM3 30082023 ITM 8 27102023 ITM 11 21112023 ITM13 27112023 ITM14 05122023
Article 17(1b)				
G 210b		***1a. Member States are encouraged to take appropriate measures to prevent the property from being acquired, in the course of its disposal upon a binding confiscation order, by persons***		***1b. deletion*** new green line Text Origin: Council Mandate TM3 30082023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		convicted in the criminal proceedings in which the property has been frozen.		TM4 04092023 ITM 8 27102023 ITM11 21112023
Article 17(1c)				
210c			***1b. Member States may conclude cost-sharing agreements with each-other on the execution of freezing and confiscation orders.***	***1c. Member States may conclude cost-sharing agreements with each-other on the execution of freezing and confiscation orders.*** new green line Text Origin: EP Mandate ITM9 09112023 ITM11 21112023
Article 17(2)				
211	2. Member States shall consider taking measures allowing confiscated property to be used for public interest or social purposes.	2. Member States shall consider taking measures allowing confiscated property to be used for public interest or social purposes.	*deleted*	2. ~~*Member States shall consider taking measures allowing confiscated property to be used for public interest or social purposes.*~~***deleted*** new green line TM3 30082023 ITM11 21112023
Article 18				
212	Article 18 Victims compensation	Article 18 Victims compensation	Article 18 Victims compensation	Article 18 Victims compensation CON proposal (26.10- based on EP's

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				proposal): 1. Member States shall take appropriate measures to ensure that where, as a result of a criminal offence, victims have claims against the person who is subject to a confiscation measure provided for under this Directive, those claims are taken into account within the asset tracing, freezing and confiscation proceedings. 2. Member States shall enable the competent authorities of asset tracing investigations pursuant to Article 4 to provide, upon request, to the authorities responsible for deciding upon or executing restitution and compensation claims, any information on assets identified that may be relevant for that purpose. Member States may also enable competent authorities of asset tracing investigations pursuant to Article 4 to provide such information even without such a request. 3. Member States shall ensure that Asset Recovery Offices may trace and identify instrumentalities and proceeds, or property which may become or is the object of a decision to compensate or to restitute property to a victim , at least [in response to a request from AROs from another Member States] [where AROs act in cross-border cases in accordance with Article 5, paragraph 2 (b)]and where the decision is issued by a court having competence in criminal matters in another Member State in the course of the criminal proceedings. 4. Where a victim is entitled to

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				the restitution of property that at the same time is or may become subject to a confiscation measure provided for under this Directive, Member States shall take the necessary measures to restitute the property concerned to the victim, under the conditions set out in art. 15 of Directive 2012/29/EU of the European Parliament and of the Council. 5. Member States shall take the necessary measures to ensure that the execution of confiscation measures provided for under this Directive does not prejudice victims' rights to obtain compensation. Member States may decide to limit such measures to situations in which the lawful assets of the offender are not sufficient to cover the total amount of compensation." new green line Text Origin: Commission Proposal ITM 8 27102023
Article 18, first paragraph				
G 213	Where, as a result of a criminal offence, victims have claims against the person who is subject to a confiscation measure provided for under this Directive, Member States shall take the necessary measures to ensure that the confiscation measure does not affect victims' rights to	Where, as a result of a criminal offence, victims ***or legal persons, as defined in national law, that have suffered harm as a result of any of the offences within the scope of this Directive,*** have claims against the person who is subject to a confiscation measure provided for	***1.*** Where, as a result of a criminal offence, victims have claims against the person who is subject to a confiscation measure provided for under this Directive, Member States shall***, as a matter of priority,*** take the necessary measures to ensure that ***victims' claims for***	***1. Member States shall take appropriate measures to ensure that where, as a result of a criminal offence, victims have claims against the person who is subject to a confiscation measure provided for under this Directive, those claims are taken into account within the*** G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	obtain compensation for their claims.	under this Directive, Member States shall take the necessary measures to ensure that the confiscation measure does not affect ~~victims'~~ ***their*** rights to obtain compensation for their claims.	***compensation are taken into account prior to the final*** ~~the~~ confiscation measure. ***Member States shall pay particular attention to the victims' claims in cross-border cases*** ~~does not affect victims' rights to obtain compensation for their claims~~.	***asset tracing, freezing and confiscation proceedings.*** ~~where, as a result of a criminal offence, victims have claims against the person who is subject to a confiscation measure provided for under this Directive, Member States shall take the necessary measures to ensure that the confiscation measure does not affect victims' rights to obtain compensation for their claims.~~ new green line TM3 30082023 ITM 8 27102023
Article 18, second paragraph				
G 213a			***1.a Where, as a result of a criminal offence, a victim is entitled to the restitution of property subject to confiscation, Member States shall, where possible and as a matter of priority, take the necessary measures to restitute the property concerned to the victim. for their claims in cross-border cases.***	***2.Member States shall enable the competent authorities of asset tracing investigations pursuant to Article 4 to provide, upon request, to the authorities responsible for deciding upon or executing restitution and compensation claims, any information on assets identified that may be relevant for that purpose. Member States may also enable competent authorities of asset tracing investigations pursuant to Article 4 to provide such information even without such a request.*** new green line

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				TM3 30082023 ITM 8 27102023
Article 18, third paragraph				
G 213b			***1.b Where it is not possible to restitute the property to the victim in accordance with the second and financial assets have been obtained as a result of the execution of the confiscation or interlocutory sale in relation to that property, such assets shall be transferred to the victim for the purposes of restitution.***	***3. Member States shall ensure that Asset Recovery Offices may trace and identify instrumentalities and proceeds, or property which may become or is the object of a decision to compensate or to restitute property to a victim , at least where AROs act in cross-border cases in accordance with Article 5, paragraph 2 (b) and where the decision is issued by a court having competence in criminal matters in another Member State in the course of the criminal proceedings.*** new green line TM3 30082023 ITM 8 27102023 G
Article 18, fourth paragraph				
G 213c				***4. Where a victim is entitled to the restitution of property that at the same time is or may become subject to a confiscation measure provided for under this Directive, Member States shall take the necessary measures to restitute the property concerned to the victim, under the*** G

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				conditions set out in art. 15 of Directive 2012/29/EU of the European Parliament and of the Council. new green line ITM 8 27102023
	Article 18, fifth paragraph			
G	213d			***5. Member States shall take the necessary measures to ensure that the execution of confiscation measures provided for under this Directive does not prejudice victims' rights to obtain compensation. Member States may decide to limit such measures to situations in which the lawful assets of the offender are not sufficient to cover the total amount of compensation.*** new green line ITM 8 27102027
	Article 18, sixth paragraph			
R	213e		***Article 18a*** ***Further use of the confiscated property***	trilogue
	Article 18, seventh paragraph			
R	213f			

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			1.Member States shall take the necessary measures to allow confiscated property to be used for public interest or social purposes. Such property may be kept as public property for justice, law enforcement, public service or economic purposes or be transferred to the local or regional authorities responsible for the area in which the property is located, for institutional, social or economic purposes, including for assignment to organisations carrying out work of social interest.	CSL Proposal: Member States shall take the necessary measures to allow confiscated property to be used, where appropriate, for public interest or social purposes, in accordance with national law. Question of the EP: where appropriate/in accordance with national law Accompanying recital proposal: Confiscated property could be used, in accordance with national law, for justice, law enforcement or other public service areas, as well as for social purposes, including for the support of organisations carrying out activities of social interest. In this context, Member States are encouraged to consider the use of confiscated assets to contribute to mechanisms that may be established to help States in situations of serious international crises, i.e. war of aggression, insofar as the offence committed has some connection with that situation. Commission to propose a recital on "without prejudice to MS budgetary autonomy" in relation to the text of "in accordance with national law" from the CSL proposal. Commission to propose wording on guidelines: recital + operative part EP proposal (21/11):

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				operative part art18a: 1.Member States shall take the necessary measures to allow confiscated property to be used, where appropriate, for public interest or social purposes. 2.Member States are also encouraged to consider the use of confiscated property to contribute to mechanisms that may be established to support States affected by situations in response to which the Union restrictive measures have been adopted insofar as the offence committed is directly or indirectly linked to that situation. The Commission should facilitate cooperation between Member States and with third countries and provide guidance to promote the use of confiscated instrumentalities, proceeds and property for this purpose. 3.The Commission shall facilitate cooperation between Member States and with third countries and provide guidance to promote the use of the instrumentalities, proceeds and property confiscated in relation to the offence referred to in Article 2(1)(p), for supporting States affected by situations in response to which the Union restrictive measures have been adopted. Recital related: Member States should take the necessary measures to allow confiscated property to be used for

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				public interest or social purposes. Considering the significant costs associated with tracing and identification, freezing and confiscation, such property could be kept as State property for justice, law enforcement, public service or economic purposes or be transferred to the local or regional authorities responsible for the area in which the property is located for institutional, social or economic purposes, including for assignment to organisations carrying out work of social interest. [It should be noted in this regard that several Member States have already adopted, more than twenty years ago, specific legislation providing for the direct or indirect reuse of confiscated property for purposes of public or social interest, benefiting from multiple positive aspects deriving from the reuse, both for public finances and for its symbolic value, as a visible counter-message for the affirmation of the values of justice and legality and the reconstruction of the territories marked by the presence of organised crime.] The use of confiscated property to such purposes is at the same time without prejudice to the autonomy of competent authorities to decide on the destination of the confiscated property in the course of its disposal, including whether it should be transferred to the State budget. Member States are also encouraged to consider the use of confiscated property to contribute to mechanisms

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				that may be established to support States affected by situations in response to which the Union restrictive measures have been adopted insofar as the offence committed is directly or indirectly linked to that situation. The Commission should facilitate cooperation between Member States and with third countries and provide guidance to promote the use of confiscated instrumentalities, proceeds and property for this purpose. The Commission shall facilitate cooperation between Member States and with third countries and provide guidance to promote the use of the instrumentalities, proceeds and property confiscated in relation to the offence referred to in Article 2(1)(p), for supporting States affected by situations in response to which the Union restrictive measures have been adopted. Presidency proposal regarding Art18a para1 (21/11): Member States shall take the necessary measures to allow the possibility of using confiscated property, where appropriate, for public interest or social purposes. Commission to propose a new draft of the related recital based on the last EP proposal. Tentative text for discussions at ITM11 from the presidency : Art18a paragraph 3. : Without prejudice to applicable

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				international law, Member States may consider using the instrumentalities proceeds and property confiscated in relation to the offences referred to in the Directive xxxx on the definition of criminal offences and penalties for the violation of Union restrictive measures, for contributing to those mechanisms that may be stablished to support third countries affected by situations in response to which the Union restrictive measures were adopted, in particular in cases of war of aggression. The Commission, where needed, may provide guidance to carry out that contribution. COM new drafting proposal for the recital related to ARt18a (27/11): The social reuse of confiscated property sends a visible message to society of the importance of values such as justice and legality, reaffirms the prevalence of the rule of law in the communities more directly affected by organised crime, and builds the resilience of those communities against criminal infiltration in the social and economic fabric, as observed in the Member States which have already adopted such measures. Therefore, Member States should take the necessary measures to allow for the possibility that confiscated property is used for public interest or social purposes, so that confiscated property can be maintained as State property for justice, law enforcement, public service, social or economic purposes or be transferred to the

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				authorities from the municipality or region where the property is located so that these authorities can use it for such purposes, including for assignment to organisations carrying out work of social interest. The use of confiscated property to such purposes is without prejudice to the budgetary autonomy of Member States. CON: "shall consider" for ARt18a para1:Member States shall CONSIDER take the necessary measures to allow the possibility of using confiscated property, where appropriate, for public interest or social purposes. Related: to the wording in 17(2) in respect of the first sentence. trilogue TM3 30082023 ITM9 09112023 ITM11 21112023 ITM13 27112023 ITM14 05122023
Article 18, eighth paragraph				
G 213g			***2.Where the confiscated assets originated in a third country, without prejudice to the provisions of paragraph 3, Member States shall take all appropriate measures to return them to the third country. That obligation is without prejudice to the possibility to retain a portion***	***[deleted]*** new green line TM3 30082023 ITM9 09112023 ITM12 22112023 ITM14 05122023

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			of the assets to cover the costs associated with tracing and identification or management directly related to such assets.	
Article 18, ninth paragraph				
R 213h			***3.In cases where instrumentalities, proceeds and property have been confiscated in connection to the violation of Union restrictive measures and in order to facilitate the compensation, restitution and reparations towards States affected by international crimes related to such restrictive measures, the Commission and the Member States shall facilitate coordination between competent authorities and with third countries*** ***The Commission shall issue guidelines on the use of the confiscated instrumentalities, proceeds and property for compensation, restitution and reparations towards States, especially in the circumstances of war of aggression insofar as the interests at stake are directly or indirectly affected by the criminal activities covered by this Directive.***	related to the comments in paragraph 1 COM to provide a new wording for a recital relating to "guidance" EP made comments regarding CON proposal: -may use (instead of may consider) / -COM "shall provide or may guidelines" CON proposal (5/12):Without prejudice to applicable international law, Member States may consider using the instrumentalities proceeds and property confiscated in relation to the offences referred to in the Directive xxxx on the definition of criminal offences and penalties for the violation of Union restrictive measures, for contributing to mechanisms to support third countries affected by situations in response to which the Union restrictive measures were adopted, in particular in cases of war of aggression. The Commission, where needed, may provide guidance to carry out that contribution. trilogue Commission to revert

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
				TM3 30082023 TM9 09112023 ITM14 05122023	
Article 18, tenth paragraph					
R	213i		***Article 18b*** ***Rights for the public concerned to participate in proceedings***	trilogue	R
Article 18, eleventh paragraph					
R	213j		***Member States shall ensure that, in accordance with their national legal system, members of the public concerned have appropriate rights to participate in the proceedings covered by this Directive.***	trilogue TM3 30082023 TM9 09112023 ITM11 21112023 ITM14 05122023	R
CHAPTER IV					
G	214	CHAPTER IV management	CHAPTER IV Management	CHAPTER IV management	CHAPTER IV management Text Origin: Commission Proposal	G
Article 19					
G	215	Article 19 Asset management and pre-seizure planning	Article 19 Asset management and ~~*pre-seizure*~~ planning	Article 19 Asset management and pre-seizure planning	Article 19 Asset management and ~~*pre-seizure*~~ planning new green line	G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Council Mandate TM4 04092023 TM9 09112023
Article 19(-1)				
G 215a				***-1. Member States shall adopt appropriate measures to ensure the efficient management of entities that should be preserved as a going concern, such as undertakings.*** new green line TM9 09112023 TM11 21112023
Article 19(-1a)				
R 215b				***-1a. Member States [are encouraged/shall] take appropriate measures to prevent the property from being acquired, in the course of its disposal upon a binding confiscation order, by persons convicted in the criminal proceedings in which the property has been frozen.*** CSL to revert regarding "shall" agreement to move here Article 17(1a) (line 210b) from the Council's position: [Member States are encouraged to take appropriate measures to prevent the property from being acquired, in the course of its disposal upon a binding

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				confiscation order, by persons convicted in the criminal proceedings in which the property has been frozen.] COM proposal for here: Member States shall take appropriate measures to prevent the property from being acquired, in the course of its disposal upon a binding confiscation order, by persons convicted in the criminal proceedings in which the property has been frozen. COM proposal for recital 28e:In order to prevent that the convicted person re-acquires, directly or indirectly, the confiscated property, Member States should take appropriate measures to prevent the property from being acquired in the course of its disposal upon a binding confiscation order by persons convicted in the criminal proceedings in which the property has been frozen. Such measures, which may be limited to property above a certain value, may include the exclusion of certain types of entities from participating in the auction of the property, requiring documentation from the buyer or assessing any links of the buyer with the convicted person. Member States may apply such measures also for the sale of frozen property. CON suggest to use : "are encouraged" and not "shall" trilogue

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				ITM9 09112023 ITM11 21112023 ITM14 05122023
Article 19(1)				
G 216	1. Member States shall ensure the efficient management of frozen and confiscated property until its disposal.	1. Member States shall ensure the efficient management of frozen and confiscated property until its disposal ***based on a final confiscation order***.	1. Member States shall ensure the efficient management of frozen and confiscated property until its disposal.	1. Member States shall ensure the efficient management of frozen and confiscated property until its disposal ***based on a final confiscation order***. Text Origin: Council Mandate TM4 04092023 Confirmation during the trilogue on 3 October 2023
Article 19(2)				
G 217	2. Member States shall ensure that, before issuing a freezing order within the meaning of Article 11 paragraph 1, competent authorities responsible for the management of frozen and confiscated property carry out an assessment of the costs which may be incurred in the management of the property which may be frozen, for the purposes of preserving and optimizing the value of such property until its disposal.	2. Member States shall ensure that , ***where justified by the nature of the property***, ~~*before issuing a freezing order within the meaning of Article 11 paragraph 1*~~, competent authorities responsible for the management of frozen ~~*and confiscated*~~ property ~~*carry out an assessment*~~***assess the specific circumstances*** of the ~~*costs which may be incurred in the management of the property which may be frozen, for the purposes of preserving and optimizing*~~***property that may become object of a confiscation order in order to minimise its estimated management costs and to preserve*** the value of such property until its	2. Member States shall ensure that, before issuing a freezing order within the meaning of Article 11 paragraph 1, competent authorities responsible for the management of frozen and confiscated property carry out an assessment of the costs which may be incurred in the management of the property which may be frozen, for the purposes of preserving and optimizing the value of such property until its disposal, ***unless specific circumstances of a case would require such an assessment to be postponed. Any decision by the competent authorities to forego such an assessment shall be duly justified***.	2. Member States shall ensure that , ***where justified by the nature of the property***, ~~*before issuing a freezing order within the meaning of Article 11 paragraph 1*~~, competent authorities responsible for the management of frozen ~~*and confiscated*~~ property ~~*carry out an assessment*~~***assess the specific circumstances*** of the ~~*costs which may be incurred in the management of the property which may be frozen, for the purposes of preserving and optimizing*~~***property that may become object of a confiscation order in order to minimise its estimated management costs and to preserve*** the value of such property until its

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		disposal. ***Such assessment shall be carried out when preparing or, at the latest, without undue delay after executing the freezing order.***		disposal. ***Such assessment shall be carried out when preparing or, at the latest, without undue delay after executing the freezing order.*** Text Origin: Council Mandate TM4 04092023 Confirmation during the trilogue on 3 October 2023
Article 19(2a)				
217a			***2a. Member States may require the costs for the management of frozen property to be charged, at least partially, to the beneficial owner***	***2a. Member States may require the costs for the management of frozen property to be charged, at least partially, to the beneficial owner*** new green line Text Origin: EP Mandate ITM9 09112023
Article 20				
218	Article 20 Interlocutory sales	Article 20 Interlocutory sales	Article 20 Interlocutory sales	Article 20 Interlocutory sales Text Origin: Commission Proposal
Article 20(1)				
219	1. Member States shall ensure that property frozen pursuant to Article 11 paragraph 1 can be transferred or sold before the issuing of a confiscation order in one or more of	1. Member States shall ensure that property frozen ~~*pursuant to Article 11 paragraph 1*~~ ***by a freezing order*** can be transferred or sold before ***a final confiscation order, at least***	1. Member States shall ensure that property frozen pursuant to Article 11 paragraph 1 can be transferred or sold before the issuing of a confiscation order in one or more of	1. Member States shall ensure that property frozen ~~*pursuant to Article 11 paragraph 1*~~***by a freezing order*** can be transferred or sold before ~~*the issuing of a*~~***a final*** confiscation order

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	the following circumstances:	***where*** ~~***the issuing of a confiscation order in***~~ one or more of the following circumstances ***may be reasonably assumed***:	the following circumstances:	in one or more of the following circumstances~~:~~**.** new green line Text Origin: Council Mandate TM4 04092023 ITM9 09112023
Article 20(1), point (a)				
220	(a) the property subject to freezing is perishable or rapidly depreciating;	(a) the property subject to freezing is perishable or rapidly depreciating;	(a) the property subject to freezing is perishable or ~~*rapidly*~~ depreciating;	(a) the property subject to freezing is perishable or rapidly depreciating; Text Origin: Commission Proposal TM4 04092023 Confirmation during the trilogue on 3 October 2023
Article 20(1), point (b)				
221	(b) the storage or maintenance costs of the property are disproportionate to its value;	(b) the storage or maintenance costs of the property are disproportionate to its value;	(b) the storage or maintenance costs of the property are disproportionate to its ***market*** value;	(b) the storage or maintenance costs of the property are disproportionate to its ***market*** value; Text Origin: EP Mandate TM4 04092023 Confirmation during the trilogue on 3 October 2023
Article 20(1), point (c)				
222	(c) the property is too difficult to administer, or its management requires special conditions and non-readily available expertise.	(c) the property is too difficult to administer, or its management requires special conditions and non-readily available expertise.	(c) the ~~*property is too difficult to administer, or its management*~~***management of the property*** requires special conditions and ***expertise which is*** non-readily	(c) the ~~*property is too difficult to administer, or its management*~~***management of the property*** requires special conditions and ***expertise which is*** non-readily

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			available ~~*expertise*~~.	available ~~*expertise*~~. Text Origin: EP Mandate TM4 04092023 Confirmation during the trilogue on 3 October 2023
Article 20(2)				
G 223	2. Member States shall adopt the necessary measures to ensure that the interests of the owner of the property are taken into account when issuing an interlocutory sale order, including whether the property to be sold is easily replaceable. With the exception of cases of absconding, Member States shall ensure that the owner of the property that may be subject to an interlocutory sale is notified and heard before the sale. The owner shall be given the possibility to request the sale of the property.	2. Member States shall ~~*adopt the necessary measures to*~~ ensure that the interests of the ~~*owner of the property*~~ ***affected person*** are taken into account when issuing an interlocutory sale order, including whether the property to be sold is easily replaceable. ~~*With the exception of*~~ ***Except in*** cases of ~~*absconding*~~***urgency***, Member States shall ensure that the ~~*owner of the property that may be subject to an interlocutory sale*~~ ***affected person*** is notified ~~*and heard before the sale. The owner*~~ ***. The affected person*** shall be given the possibility to request the sale of the property.	2. Member States shall adopt the necessary measures to ensure that the interests of the owner of the property are taken into account when issuing an interlocutory sale order, including whether the property to be sold is easily replaceable. With the exception of cases of absconding ***and in duly justified circumstances***, Member States shall ensure that the owner of the property that may be subject to an interlocutory sale is notified and ***is given the opportunity to be*** heard before the sale. The owner shall be given the possibility to request the sale of the property.	2. ***2.*** Member States shall ~~*adopt the necessary measures to*~~ ensure that the interests of the ~~*owner of the property*~~***affected person*** are taken into account when issuing an interlocutory sale order, including whether the property to be sold is easily replaceable. With the exception of cases ~~*of absconding*~~***where the affected person has absconded or cannot be located***, Member States shall ensure that the ~~*owner of the property that may be subject to an interlocutory sale is notified and*~~***affected person is notified. Member States shall also ensure that, except in cases of urgency, the affected person is given the opportunity to be*** heard before the sale. The ~~*owner*~~***affected person*** shall be given the possibility to request the sale of the property. new green line TM4 04092023 TM5 15092023 ITM9 09112023 ITM15 06122023 G

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Article 20(3)				
224	3. Earnings from interlocutory sales should be secured until a judicial decision on confiscation is reached. Member States shall take appropriate measures to protect third party buyers of property sold from retaliatory measures, to ensure that the property sold is not returned to persons convicted of the criminal offences referred to in Article 2.	3. Earnings from interlocutory sales should be secured until a judicial decision on confiscation is reached. ~~*Member States shall take appropriate measures to protect third party buyers of property sold from retaliatory measures, to ensure that the property sold is not returned to persons convicted of the criminal offences referred to in Article 2.*~~	3. Earnings from interlocutory sales ~~*should*~~***shall*** be secured until a judicial decision on confiscation is reached. Member States shall take appropriate measures to protect third party buyers of property sold from retaliatory measures, to ensure that the property sold is not returned to persons convicted of the criminal offences referred to in Article 2.	3. Earnings from interlocutory sales ~~*should*~~***shall*** be secured until a judicial decision on confiscation is reached. ~~*Member States shall take appropriate measures to protect third party buyers of property sold from retaliatory measures, to ensure that the property sold is not returned to persons convicted of the criminal offences referred to in Article 2.*~~ new green line Text Origin: EP Mandate TM9 09112023
Article 20(4)				
225	4. Member States may require the costs for the management of frozen property to be charged to the beneficial owner.	*deleted*	*deleted*	4. ~~*Member States may require the costs for the management of frozen property to be charged to the beneficial owner.*~~***deleted*** TM4 04092023 Confirmation during the trilogue on 3 October 2023
Article 21				
226	Article 21 Asset management offices	Article 21 Asset management offices	Article 21 Asset management offices	Article 21 Asset management offices Text Origin: Commission Proposal

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 21(1)				
227	1. Each Member State shall set up or designate at least one asset management office for the purpose of the management of frozen and confiscated property.	1. Each Member State shall set up or designate at least one ***competent authority that shall function as*** asset management office for the purpose of the management of frozen and confiscated property ***until its disposal based on a final confiscation order***.	1. Each Member State shall set up or designate at least one asset management office for the purpose of the management of frozen and confiscated property.	1. Each Member State shall set up or designate at least one ***competent authority that shall function as*** asset management office for the purpose of the management of frozen and confiscated property ***until its disposal based on a final confiscation order***. Text Origin: Council Mandate TM4 04092023 Confirmation during the trilogue on 3 October 2023
Article 21(2)				
228	2. Asset management offices shall have the following tasks:	2. Asset management offices shall have the following tasks:	2. Asset management offices shall have the following tasks:	2. Asset management offices shall have the following tasks: Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 21(2), point (a)				
229	(a) to ensure the efficient management of frozen and confiscated property, either through directly managing frozen and confiscated property or through providing support and expertise to other competent authorities responsible for the management of frozen and confiscated property;	(a) to ensure the efficient management of frozen and confiscated property, either through directly managing frozen and confiscated property or through providing support and expertise to other competent authorities responsible for the management of frozen and confiscated property ***and***	(a) to ensure the efficient management of frozen and confiscated property, either through directly managing frozen and confiscated property or through providing support and expertise to other competent authorities responsible for the management of frozen and confiscated property;	(a) to ensure the efficient management of frozen and confiscated property, either through directly managing frozen and confiscated property or through providing support and expertise to other competent authorities responsible for the management of frozen and confiscated property ***and***

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		planning pursuant to Article 19;		***planning pursuant to Article 19***; Text Origin: Council Mandate TM4 04092023 Confirmation during the trilogue on 3 October 2023
Article 21(2), point (b)				
230	(b) to provide support with pre-seizure planning to the competent authorities responsible for the management of frozen and confiscated property;	*deleted*	*(b)* to provide support with pre-seizure planning to the competent authorities responsible for the management of frozen and confiscated property;	(b) ~~*to provide support with pre-seizure planning to the competent authorities responsible for the management of frozen and confiscated property;*~~***deletion*** Confirmation during the trilogue on 3 October 2023
Article 21(2), point (c)				
231	(c) to cooperate with other competent authorities responsible for the tracing and identification, freezing and confiscation of property, pursuant to this Directive;	(c) to cooperate with other competent authorities responsible for the tracing and identification, freezing and confiscation of property, pursuant to this Directive;	(c) to cooperate with other competent authorities responsible for the tracing and identification, freezing and confiscation of property, pursuant to this Directive, ***including Union agencies and bodies referred to in Article 28, in accordance with their areas of competence***;	(c) to cooperate with other competent authorities responsible for the tracing and identification, freezing and confiscation of property, pursuant to this Directive; Text Origin: Commission Proposal TM4 04092023 Confirmation during the trilogue on 3 October 2023
Article 21(2), point (d)				
232	(d) to cooperate with other competent authorities responsible for the management of frozen and	(d) to cooperate with other competent authorities responsible for the management of frozen and	(d) to cooperate with other competent authorities responsible for the management of frozen and	(d) to cooperate with other competent authorities responsible for the management of frozen and

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	confiscated property in cross-border cases.	confiscated property in cross-border cases.	confiscated property in cross-border cases.	confiscated property in cross-border cases. Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
CHAPTER V				
233	CHAPTER V safeguards	CHAPTER V Safeguards	CHAPTER V safeguards	CHAPTER V safeguards Text Origin: Commission Proposal
Article 22				
234	Article 22 Obligation to inform affected persons	Article 22 Obligation to inform affected persons	Article 22 Obligation to inform affected persons	Article 22 Obligation to inform affected persons Text Origin: Commission Proposal
Article 22, first paragraph				
235	Member States shall ensure that the freezing orders pursuant to Article 11, confiscation orders pursuant to Articles 12 to 16, and orders to sell the property pursuant to Article 20 are communicated to the affected person setting out the reasons for the measure.	Member States shall ensure that the freezing orders pursuant to Article 11, confiscation orders pursuant to Articles 12 to 16, and orders to sell the property pursuant to Article 20 are communicated to the affected person ***without undue delay*** setting out the reasons for the measure. ***Member States may provide for a right for competent authorities to***	Member States shall ensure that the freezing orders pursuant to Article 11, confiscation orders pursuant to Articles 12 to 16, and orders to sell the property pursuant to Article 20 are communicated to the affected person setting out the reasons for the measure ***as well as the rights and legal remedies available to that affected person pursuant to Article***	Member States shall ensure that the freezing orders pursuant to Article 11, confiscation orders pursuant to Articles 12 to 16, and orders to sell the property pursuant to Article 20 are communicated to the affected person ~~*setting*~~***without undue delay. The orders shall set*** out the reasons for the measure ***as well as the rights and legal remedies available to that***

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		postpone communication of the freezing orders to the affected person for as long as it is necessary to avoid jeopardizing a criminal investigation.	***23. Member States may put in place rules allowing for the temporary postponement of the obligation to inform the affected persons where necessary and proportionate for the protection of ongoing criminal investigations***	***affected person pursuant to Article 23. Member States may provide for a right for competent authorities to postpone communication of the freezing orders to the affected person for as long as it is necessary to avoid jeopardizing a criminal investigation***. new green line Text Origin: Council Mandate/EP's mandate TM4 04092023 TM9 09112023 ITM11 21112023 ITM15 06122023
Article 23				
236	Article 23 Legal remedies	Article 23 Legal remedies	Article 23 Legal remedies	Article 23 Legal remedies Text Origin: Commission Proposal
Article 23(1)				
237	1. Member States shall ensure that the persons affected by the measures provided for under this Directive have the right to defence, to an effective remedy, and to a fair trial in order to uphold their rights.	1. Member States shall ensure that the persons affected by the ~~*measures provided for under this Directive*~~ ***freezing orders pursuant to Article 11, and confiscation orders pursuant to Articles 12 to 16*** have the right to ~~*defence, to*~~ an effective remedy~~,~~ and to a fair trial in order to uphold their rights.	1. Member States shall ensure that the persons affected by the measures provided for under this Directive have the right to defence, to an effective remedy, and to a fair trial in order to uphold their rights.	1. Member States shall ensure that the persons affected by the ~~*measures provided for under this Directive*~~ ***freezing orders pursuant to Article 11, and confiscation orders pursuant to Articles 12 to 16*** have the right to ~~*defence, to*~~ an effective remedy~~,~~ and to a fair trial in order to uphold their rights.

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				new green line Text Origin: Council Mandate TM9 09112023
Article 23(1a)				
G 237a		***1a. Member States shall ensure that the rights to defence, including the right of access to the file, the right to be heard on issues of law and fact and where relevant, the right to interpretation and translation, are guaranteed to those affected persons that are suspects or accused persons, or affected by confiscation pursuant to Article 16. Member States may provide that also other affected persons have these rights. In any case, Member States shall provide that such other affected persons also have the right of access to the file, the right to be heard on issues of law and fact as well as any other procedural rights which are necessary to effectively exercise their right to an effective remedy. The access may be limited to the documents related to the freezing or confiscation measure as long as the affected persons could have access to the documents necessary to exercise their right to an effective remedy.***		***1a. Member States shall ensure that the rights to defence, including the right of access to the file, the right to be heard on issues of law and fact and where relevant, the right to interpretation and translation, are guaranteed to those affected persons that are suspects or accused persons, or affected by confiscation pursuant to Article 16. Member States may provide that also other affected persons have these rights. In any case, Member States shall provide that such other affected persons also have the right of access to the file, the right to be heard on issues of law and fact as well as any other procedural rights which are necessary to effectively exercise their right to an effective remedy. The access may be limited to the documents related to the freezing or confiscation measure as long as the affected persons could have access to the documents necessary to exercise their right to an effective remedy.*** new green line Text Origin: Council Mandate

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				TM9 09112023
Article 23(2)				
238	2. Member States shall provide for the effective possibility for the person whose property is affected to challenge the freezing order pursuant to article 11 before a court, in accordance with procedures provided for in national law. Where the freezing order has been taken by a competent authority other than a judicial authority, national law shall provide that such an order is first to be submitted for validation or review to a judicial authority before it can be challenged before a court.	2. Member States shall provide for the effective possibility for the person whose property is affected to challenge the freezing order pursuant to Article 11 before a court, in accordance with procedures provided for in national law. Where the freezing order has been taken by a competent authority other than a judicial authority, national law ~~shall~~***may*** provide that such an order is first to be submitted for validation or review to a judicial authority before it can be challenged before a court.	2. Member States shall provide for the effective possibility for the person whose property is affected to challenge the freezing order pursuant to article 11 before a court, in accordance with procedures provided for in national law. Where the freezing order has been taken by a competent authority other than a judicial authority, national law shall provide that such an order is first to be submitted for validation or review***, within a reasonable delay,*** to a judicial authority before it can be challenged before a court.	2. Member States shall provide for the effective possibility for the person whose property is affected to challenge the freezing order pursuant to Article 11 before a court, in accordance with procedures provided for in national law. Where the freezing order has been taken by a competent authority other than a judicial authority, national law ~~shall~~***may*** provide that such an order is first to be submitted for validation or review to a judicial authority before it can be challenged before a court. Text Origin: Council Mandate TM4 04092023 Confirmation during the trilogue on 3 October 2023
Article 23(3)				
239	3. Where the suspected or accused person has absconded, Member States shall take all reasonable steps to ensure an effective possibility to exercise the right to challenge the confiscation order and shall require that the person concerned be summoned to the confiscation proceedings or that reasonable efforts be made to make the person	3. Where the suspected or accused person has absconded, Member States shall take all reasonable steps to ensure an effective possibility to exercise the right to challenge the confiscation order and shall require that the person concerned be summoned to the confiscation proceedings or that reasonable efforts be made to make the person	3. Where the suspected or accused person has absconded, Member States shall take all reasonable steps to ensure an effective possibility to exercise the right to challenge the confiscation order and shall require that the person concerned be summoned to the confiscation proceedings or that reasonable efforts be made to make the person	3. Where the suspected or accused person has absconded, Member States shall take all reasonable steps to ensure an effective possibility to exercise the right to challenge the confiscation order and shall require that the person concerned be summoned to the confiscation proceedings or that reasonable efforts be made to make the person

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	aware of such proceedings.	aware of such proceedings.	aware of such proceedings.	aware of such proceedings. Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 23(4), first subparagraph				
G 240	Member States shall provide for the effective possibility for the person whose property is affected to challenge the confiscation order and the relevant circumstances of the case before a court, in accordance with procedures provided for in national law.	***4.*** Member States shall provide for the effective possibility for the person whose property is affected to challenge the confiscation order ~~*and*~~***pursuant to Articles 12 to 16, including*** the relevant circumstances of the case ***and available evidence on which the findings are based,*** before a court, in accordance with procedures provided for in national law.	Member States shall provide for the effective possibility for the person whose property is affected to challenge the confiscation order and the relevant circumstances of the case before a court, in accordance with procedures provided for in national law.	Member States shall provide for the effective possibility for the person whose property is affected to challenge the confiscation order ~~*and*~~***pursuant to Articles 12 to 16, including*** the relevant circumstances of the case ***and available evidence on which the findings are based,*** before a court, in accordance with procedures provided for in national law. Text Origin: Council Mandate TM4 04092023 Confirmation during the trilogue on 3 October 2023 G
Article 23(4), second subparagraph				
G 241	In the case of confiscation orders pursuant to Article 13, such circumstance shall include facts and circumstances on which the finding was based that the third party knew or ought to have known that the purpose of the transfer or acquisition was to avoid confiscation.	*deleted*	In the case of confiscation orders pursuant to Article 13, such circumstance shall include facts and circumstances on which the finding was based that the third party knew or ~~*ought*~~***could be expected*** to have known that the purpose of the transfer or acquisition was to avoid confiscation ***or that the transferred property was directly or indirectly***	~~*In the case of confiscation orders pursuant to Article 13, such circumstance shall include facts and circumstances on which the finding was based that the third party knew or ought to have known that the purpose of the transfer or acquisition was to avoid confiscation.*~~***deletion*** G

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			linked to criminal conduct on the basis of concrete facts and circumstances, such as the fact that the transfer or acquisition was carried out free of charge or in exchange for an amount disproportionate to the market value.	TM4 04092023 Confirmation during the trilogue on 3 October 2023
Article 23(4), third subparagraph				
G 242	In the case of confiscation orders pursuant to Articles 14 and 16, such circumstances shall include specific facts and available evidence on the basis of which the property concerned is considered to be property that is derived from criminal conduct.	*deleted*	In the case of confiscation orders pursuant to Articles 14 and 16, such circumstances shall include specific facts and available evidence on the basis of which the property concerned is considered to be property that is derived ***directly or indirectly*** from criminal conduct.	~~*In the case of confiscation orders pursuant to Articles 14 and 16, such circumstances shall include specific facts and available evidence on the basis of which the property concerned is considered to be property that is derived from criminal conduct.*~~ ***deletion*** TM4 04092023 Confirmation during the trilogue on 3 October 2023
Article 23(4), fourth subparagraph				
G 243	In the case of confiscation orders pursuant to Article 15, such circumstances shall include facts and evidence on the basis of which the national court concluded that all the elements of the offence are present.	*deleted*	In the case of confiscation orders pursuant to Article 15, such circumstances shall include facts and evidence on the basis of which the national court concluded that all the elements of the offence are present ***and that the property concerned is directly or indirectly derived from criminal conduct***.	~~*In the case of confiscation orders pursuant to Article 15, such circumstances shall include facts and evidence on the basis of which the national court concluded that all the elements of the offence are present.*~~ ***deletion*** TM4 04092023 Confirmation during the trilogue on 3 October 2023

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Article 23(5)				
244	5. When implementing this Directive, Member States shall provide that confiscation is not ordered to the extent it would be disproportionate to the offence committed or the accusation against the person concerned by the confiscation. When implementing this Directive, Member States shall provide that, in exceptional circumstances, confiscation is not ordered, insofar as it would, in accordance with national law, represent undue hardship for the affected person.	5. When implementing this Directive, Member States ~~shall~~***may*** provide ~~that~~***for the possibility not to order*** confiscation ~~is not ordered~~***or execute it,*** to the extent it would be disproportionate to the offence committed or the accusation against the person concerned by the confiscation. When implementing ~~this~~***the*** Directive, Member States ~~shall~~***may*** provide ***for the possibility*** that, in exceptional circumstances, confiscation ~~is not~~ ***shall not be*** ordered ***or executed***, insofar as it would, in accordance with national law, represent undue hardship for the affected ~~person~~***persons***.	5. When implementing this Directive, Member States shall provide that confiscation is not ordered to the extent it would be disproportionate to the offence committed or the accusation against the person concerned by the confiscation. When implementing this Directive, Member States shall provide that, in exceptional circumstances, confiscation is not ordered, insofar as it would, in accordance with national law, represent undue hardship for the affected person.	5. ~~*When implementing this Directive, Member States shall provide that confiscation is not ordered to the extent it would be disproportionate to the offence committed or the accusation against the person concerned by the confiscation. When implementing this Directive, Member States shall provide that, in exceptional circumstances, confiscation is not ordered, insofar as it would, in accordance with national law, represent undue hardship for the affected person.*~~***[deleted]*** new green line TM4 04092023 TM9 09112023 ITM11 21112023 ITM13 27112023
Article 23(6)				
245	6. Member States shall provide for the effective possibility for the person whose property is affected to challenge an order pursuant to Article 20 to sell the property in question. Member States shall provide for the possibility that such an appeal has suspensory effect.	6. Member States shall provide for the effective possibility for the ~~person whose property is~~ affected ***person*** to challenge an order pursuant to Article 20 to sell the property in question. Member States ~~shall~~***may*** provide for the possibility that such an appeal has suspensory effect.	6. Member States shall provide for the effective possibility for the person whose property is affected to challenge an order pursuant to Article 20 to sell the property in question. Member States shall provide for the possibility that such an appeal has suspensory effect.	6. ***[***Member States shall provide for the effective possibility for ~~the~~***affected*** person ~~whose property is affected~~ to challenge an order pursuant to Article 20 to sell the property in question ***and shall grant the affected persons all procedural rights necessary to exercise their right to an effective remedy***.

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				Member States shall provide for the possibility that ***a Court can suspend the execution of such order, if otherwise there would be irreparable harm for the affected person*** ~~*such an appeal has suspensory effect*~~.***]*** Council to revert TM4 04092023 TM9 09112023 ITM12 22112023 ITM15 06122023 ITM16 07122023
Article 23(7)				
G 246	7. Third parties shall be entitled to claim title of ownership or other property rights including in the cases referred to in Article 13.	7. Third parties shall be entitled to claim title of ownership or other property rights, including in the cases referred to in Article 13.	7. Third parties shall be entitled to claim title of ownership or other property rights including in the cases referred to in Article 13.	7. Third parties shall be entitled to claim title of ownership or other property rights including in the cases referred to in Article 13. Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 23(8)				
G 247	8. Persons whose property is affected by the measures provided for in this Directive shall have the right of access to a lawyer throughout the freezing and confiscation proceedings. The persons concerned shall be informed of that right.	8. Persons ~~*whose property is*~~ affected by the measures provided for in this Directive shall have the right of access to a lawyer throughout the freezing and confiscation proceedings. The persons concerned shall be informed of that right.	8. Persons whose property is affected by the measures provided for in this Directive shall have the right of access to a lawyer throughout the freezing and confiscation proceedings. The persons concerned shall be informed of that right.	8. Persons ~~*whose property is*~~ affected by the measures provided for in this Directive shall have the right of access to a lawyer throughout the freezing and confiscation proceedings. The persons concerned shall be informed of that right.

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Council Mandate TM4 04092023 Confirmation during the trilogue on 3 October 2023
CHAPTER VI				
G 248	CHAPTER VI Asset Recovery Strategic Framework	CHAPTER VI Asset recovery strategic framework	CHAPTER VI Asset Recovery Strategic Framework	CHAPTER VI Asset Recovery Strategic Framework Text Origin: Commission Proposal
Article 24				
G 249	Article 24 National strategy on asset recovery	Article 24 National strategy on asset recovery	Article 24 National strategy on asset recovery	Article 24 National strategy on asset recovery Text Origin: Commission Proposal
Article 24(1)				
R 250	1. Member States shall adopt by [one year after the entry into force of this Directive] a national strategy on asset recovery and update it at regular intervals of no longer than five years.	1. Member States shall ~~adopt by [~~ ***by [one year after the transposition period*** ~~one year after the entry into force~~ of this Directive ***is over***] ***adopt*** a national strategy on asset recovery and update it at regular intervals of no longer than five years.	1. Member States shall adopt by [one year after the entry into force of this Directive] a national strategy on asset recovery and update it at regular intervals of no longer than ~~five~~***four*** years.	1. Member States shall ~~adopt by~~ ~~one year~~ ***by [{six months} after the transposition period*** ~~after the entry into force~~ of this Directive ***is over***] ***adopt*** a national strategy on asset recovery and update it at regular intervals of no longer than ~~five~~***[four]*** years. trilogue Text Origin: Council Mandate

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				ITM9 09112023 ITM15 062023
Article 24(2)				
R 251	2. The strategy shall include at least the following elements:	2. The strategy shall include ***elements concerning the objectives to achieve, the role of the competent authorities, the cooperation mechanisms among them, resources and training, and mechanisms allowing for regular monitoring and evaluations of results.*** ~~*at least the following elements:*~~	2. The strategy shall include at least the following elements:	2. ***2. The strategy shall include elements concerning the priorities of national policy in this area, the objectives and measures to achieve them, the role and responsibilities of the competent authorities, including arrangements for coordination and the cooperation among them, resources, training, and measures taken, where applicable, on the use of confiscated assets for public interest or social purposes, activities undertaken on cooperation with third countries, and arrangements allowing for regular evaluation of results.*** ~~*The strategy shall include at least the following elements:*~~ COM to provide a new drafting proposal with the part of elements of the strategy; EP asking to include further use of property (lines 251-256b) COM proposal :2. The strategy shall include elements concerning the objectives and measures to achieve them, the role of the competent authorities, the cooperation mechanisms among them, resources and training, measures taken on the use of confiscated assets for public interest

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				or social purposes, activities undertaken on cooperation with third countries, and mechanisms allowing for regular monitoring and evaluation of results. EP agrees with COM proposal (without monitoring) COM to provide a new drafting (at the end of the ITM): 2. The strategy shall include elements concerning the priorities of national policy in this area, the objectives and measures to achieve them, the role and responsibilities of the competent authorities, including arrangements for coordination and cooperation among them, resources and training, measures taken on the use of confiscated assets for public interest or social purposes, activities undertaken on cooperation with third countries, and arrangements allowing for regular evaluation of results. COM: "In the recital we could add sth along these lines “This Directive should establish the elements to be included in the strategy, such as the role and responsibilities of the competent authorities (etc. give a few examples), without determining the precise format or the concrete type of information to be included in the strategy” CON proposal (22/11) (similar in the envicrime) :2. The strategy shall include elements concerning the objectives and priorities of national policy in this area

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				and arrangements for regular evaluation of the attainment, the roles and responsibilities of the competent authorities, including in terms of coordination and cooperation among them, and an estimation of resources allocated and an evaluation of future needs in this regard, measures taken on the use of confiscated assets for public interest or social purposes, activities undertaken on cooperation with third countries. CON opposed to have the "social re-use "in the strategy. CON suggests to have a may clause for the strategy on social re-use. trilogue Text Origin: Council Mandate ITM15 06122023 ITM16 07122023
Article 24(2), point (a)				
Y	252	(a) strategic objectives, priorities and measures for the purposes of enhancing efforts by all competent national authorities involved in the recovery of property as set out in this Directive;	*deleted*	(a) strategic objectives, priorities and measures for the purposes of enhancing efforts by all competent national authorities involved in the recovery ***and management*** of property as set out in this Directive;
Article 24(2), point (b)				
Y	253	(b) a governance framework to achieve the strategic objectives and	*deleted*	(b) a governance framework to achieve the strategic objectives and

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	priorities, including a description of the roles and responsibilities of all the competent authorities and cooperation mechanisms;		priorities, including ***an effective cooperation framework between asset recovery offices and asset management offices and a further*** ~~*a*~~ description of the roles and responsibilities of all the competent authorities and ***the*** cooperation ~~*mechanisms*~~***between asset recovery offices and financial intelligence units***;	
Article 24(2), point (c)				
Y	254 (c) appropriate mechanisms for coordination and cooperation at strategic and operational levels among all competent authorities;	*deleted*	(c) appropriate mechanisms for coordination and cooperation at strategic and operational levels among all competent authorities ***including the relevant Union agencies and bodies***;	Y
Article 24(2), point (d)				
Y	255 (d) resources made available to competent authorities, including training;	*deleted*	(d) ***appropriate financial*** resources, ***appropriate training and appropriate legal capabilities*** made available to competent authorities~~, *including training*~~;	Y
Article 24(2), point (e)				
Y	256 (e) procedures for regular monitoring and evaluation of the results achieved.	*deleted*	*(e)* procedures for regular monitoring and evaluation of the results achieved.	Y
Article 24(2), point (ea)				

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R	256a		***(ea) recourse to the possibility to use frozen and confiscated assets for public interest or social purposes and for compensation, restitution and reparations towards States in accordance with Article 18a;***		R
Article 24(2), point (eb)					
R	256b		***(eb) measures to be taken to ensure that the confiscated property is used to compensate the victims;***		R
Article 24(3)					
G	257	3. Member States shall communicate their strategies, and any updates of their strategies, to the Commission within three months from their adoption.	3. Member States shall communicate their strategies, and any updates of their strategies, to the Commission within three months from their adoption.	3. Member States shall communicate their strategies, and any updates of their strategies, to the Commission within three months from their adoption. Text Origin: Commission Proposal	G
Article 25					
G	258	Article 25 Resources	Article 25 Resources	Article 25 Resources Text Origin: Commission Proposal	G
Article 25, first paragraph					

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement	
G	259	Member States shall ensure that asset recovery offices and asset management offices performing tasks pursuant to this Directive, have appropriately qualified staff and appropriate financial, technical and technological resources necessary for the effective performance of their functions related to the implementation of this Directive.	Member States shall ensure that asset recovery offices and asset management offices performing tasks pursuant to this Directive, have appropriately qualified staff and appropriate financial, technical and technological resources necessary for the effective performance of their functions related to the implementation of this Directive.	Member States shall ensure that asset recovery offices and asset management offices performing tasks pursuant to this Directive, have appropriately qualified ~~staff~~ and appropriate financial, technical and technological resources necessary for the effective performance of their functions related to the implementation of this Directive. ***Member States shall ensure that specialised training and exchanges of best practices is provided to the staff involved in asset identification, tracing and recovery and confiscation at regular intervals. In addition to their obligations under Article 24(2), point (c), Member States shall update the Commission annually on the resources allocated to asset recovery offices and asset management offices***	Member States shall ensure that asset recovery offices and asset management offices performing tasks pursuant to this Directive, have appropriately qualified ~~staff~~ and appropriate financial, technical and technological resources necessary for the effective performance of their functions related to the implementation of this Directive. ***Without prejudice to judicial independence and differences in the organization of the judiciary across the Union, Member States shall ensure that specialised training and exchanges of best practices is available to the staff involved in asset identification, tracing and recovery and confiscation.*** new green line Text Origin: EP Mandate TM5 15092023 ITM9 09112023 ITM15 06122023	G
	Article 26				
Y	260	Article 26 Establishment of centralised registries of frozen and confiscated property	Article 26 ~~*Establishment of centralised registries*~~ ***Efficient management*** of frozen and confiscated property	Article 26 Establishment of centralised registries of frozen and confiscated property	Article 26 ~~*Establishment of centralised registries*~~ ***Efficient management*** of frozen and confiscated property CON proposal (07/12): 1. For the purpose of managing	Y

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				frozen and confiscated property, Member States shall ensure that asset management offices, and as appropriate asset recovery offices, and other competent authorities performing tasks pursuant to this Directive, are able to swiftly obtain information on frozen and confiscated property that is to be managed under this Directive. For that purpose, Member States shall establish efficient tools of management of the frozen or confiscated property, such as one central or more registries of property frozen and confiscated pursuant to this Directive. 2. Member States shall ensure that the following information can be obtained pursuant to paragraph 1: (a) the property subject to a freezing or confiscation order which is to be managed pursuant to Article 19(1) until its disposal based on a final confiscation order, including details that enable the identification of the property; (b) the estimated or actual value of the property at the moment of the freezing, and confiscation and disposal; (c) the owner of the property, including the beneficial owner as defined in Article 3, point (6), of Directive 2015/849/EU, where such information is available; (d) the national file reference of the proceeding related to the property; Where Member States establish a registry of frozen and confiscated property pursuant to paragraph 1, they should ensure that authorities having

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				access to the register can search and obtain information on the name of the authority entering the information in the registry and on the unique user identifier of the official who entered the information in the registry. 3. Where Member States establish a register of frozen and confiscated property pursuant to paragraph 1, they shall ensure that the information referred to in paragraph 2 is only be retained for as long as it is necessary for the purposes of keeping a record and overview of the property frozen, confiscated, or under management, and in any case not for longer than after its disposal, or to provide annual statistics as referred in Article 27. 4. Where Member States establish a register of frozen and confiscated property pursuant to paragraph 1, Member States shall ensure that any personal data stored in the registries can only be accessed and used for the purposes of freezing, confiscation and management of instrumentalities and proceeds, or property which may become or is the object of a confiscation order, in accordance with the applicable data protection rules. 5. Where Member States establish a register of frozen and confiscated property pursuant to paragraph 1, Member States shall ensure that appropriate technical and organisational measures are in place to ensure the security of the data

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				contained in the registries of frozen and confiscated property and shall designate the competent authority or authorities responsible for the management of the registers and for performing the tasks of the controller as defined in the applicable data protection rules. Council to revert Text Origin: Council Mandate ITM16 07122023
Article 26(1)				
261	1. For the purpose of managing frozen and confiscated property, Member States shall put in place centralised registries containing information related to the freezing, confiscation and management of instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order.	1. ~~*For the purpose of managing frozen and confiscated property, Member States shall put in place centralised registries containing information related to the freezing, confiscation and management of instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order*~~***Member States shall ensure that asset management offices, and as appropriate asset recovery offices, and other competent authorities performing tasks pursuant to this Directive have the necessary tools to ensure that frozen and confiscated property are efficiently managed. For that purpose, Member States may set up one or more registries of property frozen and confiscated pursuant to***	1. For the purpose of managing frozen and confiscated property, Member States shall put in place centralised registries containing information related to the freezing, confiscation and management of instrumentalities and proceeds, or property which may become or is the object of a freezing or confiscation order. ***Member State shall ensure that the information entered into the registry is accurate, complete and up-to-date.***	1. For the purpose of managing frozen and confiscated property, Member States shall ~~*put in place centralised registries containing*~~***ensure that asset management offices, and as appropriate asset recovery offices, and other competent authorities performing tasks pursuant to this Directive are able to swiftly obtain*** information ~~*related to the freezing, confiscation and*~~***on frozen and confiscated property that is to be managed under this Directive. For that purpose, Member States shall establish efficient tools of*** management of ~~*instrumentalities and proceeds, or*~~***the frozen or confiscated*** property***, such as one central or more registries of property frozen and confiscated***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		this Directive.		***pursuant to this Directive*** ~~*which may become or is the object of a freezing or confiscation order*~~.
				EP proposal (06/12): 1.For the purpose of efficiently managing frozen and confiscated property, Member States shall ensure that asset management offices, and as appropriate asset recovery offices, and other competent authorities performing tasks pursuant to this Directive are able to swiftly obtain accurate, complete and up-to-date information on frozen and confiscated property [Member States shall ensure that asset management offices, and as appropriate asset recovery offices, and other competent authorities performing tasks pursuant to this Directive are able to swiftly obtain accurate, complete and up-to-date information on frozen and confiscated property.]For that purpose, Member States shall set up one central or more registries of property frozen and confiscated [that need to be managed] pursuant to this Directive. 2. Member States shall take the necessary measures to ensure that asset recovery offices, asset management offices, and other competent authorities performing tasks pursuant to Article 4, 19 and 20, have the power to enter, access and search, directly and immediately, the information referred to in paragraph 3 in the registers.

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				3. The following information shall be entered, accessible and searchable through the centralised registries referred to in paragraph 1: (a) the property subject to a freezing or confiscation order, including details that enable the identification of the property; (b) the estimated or actual value of the property at the moment of the freezing, confiscation and disposal; (c) the owner of the property, including the beneficial owner, where such information is available; (d) the national file reference of the proceeding related to the property; (e) the name of the authority entering the information in the registry; (f) the unique user identifier of the official who entered the information in the registry. 3a. Where a Member State sets up more than one register, they should ensure that the registers are inter-operable with each-other. 3a. Member State shall ensure that the information entered into the registries is accurate, complete and up-to-date. 4. The information referred to in paragraph 3 shall only be retained for as long as it is necessary for the purposes of keeping a record and overview of the property frozen, confiscated, or under management, and in any case it shall

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				not be retained for longer than after its disposal, or to provide annual statistics as referred in Article 27. 4a. Member States shall ensure that any personal data stored in the registries can only be accessed and used for the purposes of freezing, confiscation and management of instrumentalities and proceeds, or property which may become or is the object of a confiscation order. 5. Member States shall ensure that appropriate technical and organisational measures are in place to ensure the security of the data contained in the centralised registries of frozen and confiscated property. 5a. Member States shall designate the competent authority or authorities responsible for the management of the registries. Those authorities shall be considered to be the controller within the meaning of Article 3, point (8), of Directive (EU) 2016/680. Recital (43) 43. To provide a more comprehensive overview of the action taken to freeze and confiscate, Member States should establish one central or more registers of frozen, managed and confiscated instrumentalities, proceeds, or property, and collect the necessary statistics on the implementation of the

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				relevant measures. Centralised registries of frozen and confiscated instrumentalities, proceeds, or property should, wherever possible, be established at national level for the purpose of facilitating the management of the specific file. The aim of establishing such registries is to assist all the relevant authorities responsible for the recovery of criminal property with an accessible record of the property which is frozen, confiscated, or under management, from the moment it is frozen until it is returned to the owner or it is disposed of. Information entered in the registries should be retained only for as long as it is necessary for the purposes of management of the specific case, or for the purposes of gathering statistical data collection. For case management purposes, it should not be kept for longer than after the final disposal of the property following a confiscation order, or after its return to the owner in case of acquittal. Access to the information recorded in the centralised registries should be given only to authorities responsible for the recovery of criminal property, such as asset recovery offices, asset management offices, national courts or otherwise appointed authorities according to national dispositions. Council to revert Text Origin: Council Mandate ITM15 06122023

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				ITM16 07122023
Article 26(2)				
262	2. Member States shall take the necessary measures to ensure that asset recovery offices, asset management offices, and other competent authorities performing tasks pursuant to Article 4, 19 and 20 , have the power to enter, access and search, directly and immediately, the information referred to in paragraph 3.	*deleted*	*2.* Member States shall take the necessary measures to ensure that asset recovery offices, asset management offices, and other competent authorities performing tasks pursuant to Article 4, 19 and 20 , have the power to enter, access and search, directly and immediately, the information referred to in paragraph 3.	2. Member States shall ~~*take the necessary measures to ensure that asset recovery offices, asset management offices, and other competent authorities performing tasks pursuant to*~~***ensure that the following information can be obtained pursuant to paragraph 1:*** ***(a) the property subject to a freezing or confiscation order which is to be managed pursuant to Article 19(1) until its disposal based on a final confiscation order, including details that enable the identification of the property;*** ***(b) the estimated or actual value of the property at the moment of the freezing, and confiscation and disposal;*** ***(c) the owner of the property, including the beneficial owner as defined in Article 3, point (6), of Directive 2015/849/EU, where such information is available;*** ***(d) the national file reference of the proceeding related to the property;*** ***Where Member States establish a registry of frozen and confiscated property pursuant to paragraph 1, they should ensure that authorities having*** ~~*Article 4, 19 and 20 , have the power to enter,*~~ access ***to the***

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				register can search and obtain information on the name of the authority entering ~~*and search, directly and immediately,*~~ the information ~~*referred to in paragraph 3*~~***in the registry and on the unique user identifier of the official who entered the information in the registry***. Council to revert TM5 15092023 ITM16 07122023
Article 26(3)				
263	3. The following information shall be entered, accessible and searchable through the centralised registries referred to in paragraph 1:	3. ~~*The following information*~~ ***Member States*** shall ~~*be entered, accessible and searchable through the centralised*~~***consider including the following information in the*** registries~~-~~ referred to in paragraph 1:	3. The following information shall be entered, accessible and searchable through the centralised registries referred to in paragraph 1:	3. ~~*The following information*~~ ***Where Member States establish a register of frozen and confiscated property pursuant to paragraph 1, they shall ensure that the information referred to in paragraph 2 is only be retained for as long as it is necessary for the purposes of keeping a record and overview of the property frozen, confiscated, or under management, and in any case not for longer than after its disposal, or to provide annual statistics as referred in Article 27.*** ~~*shall be entered, accessible and searchable through the centralised registries referred to in paragraph 1:*~~ Council to revert

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Text Origin: Council Mandate ITM16 07122023
Article 26(3), point (a)				
264	(a) the property subject to a freezing or confiscation order, including details that enable the identification of the property;	(a) the property subject to a freezing or confiscation order ***which is to be managed pursuant to Article 19(1) until its disposal based on a final confiscation order***, including details that enable the identification of the property;	(a) the property subject to a freezing or confiscation order, including details that enable the identification of the property;	(a) ~~*the property subject to a freezing or confiscation order, including details that enable the identification of the property;*~~ ***deleted*** Council to revert Text Origin: Council Mandate ITM16 07122023
Article 26(3), point (b)				
265	(b) the estimated or actual value of the property at the moment of the freezing, confiscation and disposal;	(b) the estimated or actual value of the property at the moment of the freezing, ***and*** confiscation and disposal;	(b) the estimated or actual value of the property at the moment of the freezing~~, *confiscation and disposal*~~;	(b) ~~*the estimated or actual value of the property at the moment of the freezing, confiscation and disposal;*~~ Council to revert Text Origin: Council Mandate ITM16 07122023
Article 26(3), point (c)				
266	(c) the owner of the property, including the beneficial owner, where such information is available;	(c) the owner of the property, including the beneficial owner ***as defined in Article 3, point (6), of Directive 2015/849/EU***, where such information is available;	(c) the owner of the property, including the beneficial owner, where such information is available;	(c) ~~*the owner of the property, including the beneficial owner, where such information is available;*~~ Council to revert Text Origin: Council Mandate ITM16 07122023

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Article 26(3), point (d)				
267	(d) the national file reference of the proceeding related to the property;	(d) the national file reference of the proceeding related to the property;	(d) the national file reference of the proceeding related to the property;	(d) the national file reference of the proceeding related to the property; Text Origin: Council Mandate Confirmation during the trilogue on 3 October 2023
Article 26(3), point (e)				
268	(e) the name of the authority entering the information in the registry;	(e) the name of the authority entering the information in the registry;	(e) the name of the authority entering the information in the registry;	(e) the name of the authority entering the information in the registry; Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 26(3), point (f)				
269	(f) the unique user identifier of the official who entered the information in the registry.	(f) the unique user identifier of the official who entered the information in the registry.	(f) the unique user identifier of the official who entered the information in the registry.	(f) the unique user identifier of the official who entered the information in the registry. Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 26(4)				
270	4. The information referred to in		*4.* The information referred to in	4. ~~*The information referred to in*~~

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	paragraph 3 shall only be retained for as long as it is necessary for the purposes of keeping a record and overview of the property frozen, confiscated, or under management, and in any case it shall not be retained for longer than after its disposal, or to provide annual statistics as referred in Article 27.	*deleted*	paragraph 3 shall only be retained for as long as it is necessary for the purposes of keeping a record and overview of the property frozen, confiscated, or under management, and in any case it shall not be retained for longer than after its disposal, or to provide annual statistics as referred in Article 27.	~~*paragraph 3 shall only be retained for as long as it is necessary for the purposes of keeping a record and overview of the property frozen, confiscated, or under*~~ ***Where Member States establish a register of frozen and confiscated property pursuant to paragraph 1, Member States shall ensure that any personal data stored in the registries can only be accessed and used for the purposes of freezing, confiscation and management of instrumentalities and proceeds, or property which may become or is the object of a confiscation order, in accordance with the applicable data protection rules.*** ~~*management, and in any case it shall not be retained for longer than after its disposal, or to provide annual statistics as referred in Article 27.*~~ Council to revert TM5 15092023 ITM16 07122023
Article 26(4a)				
270a			***4a. Member States shall ensure that any personal data stored in the registry can only be accessed and used for the purposes of freezing, confiscation and management of instrumentalities and proceeds, or property which may become or is***	***4a. deleted*** Council to revert TM5 15092023 ITM16 07122023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			the object of a confiscation order.	
Article 26(5)				
271	5. Member States shall ensure that appropriate technical and organisational measures are in place to ensure the security of the data contained in the centralised registries of frozen and confiscated property.	*deleted*	*5.* Member States shall ensure that appropriate technical and organisational measures are in place to ensure the security of the data contained in the centralised registries of frozen and confiscated property.	5. ***Where Member States establish a register of frozen and confiscated property pursuant to paragraph 1, Member States shall ensure that appropriate technical and organisational measures are in place to ensure the security of the data contained in the registries of frozen and confiscated property and shall designate the competent authority or authorities responsible for the management of the registers and for performing the tasks of the controller as defined in the applicable data protection rules.*** ~~*Member States shall ensure that appropriate technical and organisational measures are in place to ensure the security of the data contained in the centralised registries of frozen and confiscated property.*~~ Council to revert TM5 15092023 ITM15 06122023 ITM16 07122023
Article 26(5a)				
271a			***5a. Member States shall designate***	***5a. deleted***

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			the competent authority or authorities responsible for the management of the centralised registries. Those authorities shall be considered to be the controller within the meaning of Article 3, point (8), of Directive (EU) 2016/680.	Council to revert TM5 15092023 ITM16 07122023	
Article 26(5b)					
Y	271b		***5b. Member States shall ensure that the centralised registries referred to in paragraph 1 are compatible with the tools used for the digital communication in judicial cooperation procedures in civil, commercial and criminal matters, such as the decentralised IT system and European electronic access point regulated under Regulation XX/XXX and Directive XX/XXX on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation.***	***5b. deleted*** Council to revert TM5 150092023 ITM16 07122023	Y
Article 27					
G	272	Article 27 Statistics	Article 27 Statistics	Article 27 Statistics Text Origin: Commission Proposal	G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 27(1)				
273	1. Member States shall collect and maintain comprehensive statistics at central level on the measures taken under this Directive.	1. Member States shall ***regularly*** collect and maintain comprehensive statistics ***from the relevant authorities. The statistics collected shall be sent to the Commission each year by 31 December of the following year and shall include:*** ~~at central level on the measures taken under this Directive.~~	1. Member States shall ***regularly*** collect ***from the relevant authorities*** and maintain ~~comprehensive statistics~~ at central level ***comprehensive statistics*** on the measures taken under this Directive ***in order to review the effectiveness of their confiscation systems and in line with the methodology developed by the Commission pursuant to paragraph 3***.	1. ***1.*** Member States shall ***regularly*** collect ***from the relevant authorities*** and maintain comprehensive statistics ~~at central level on the measures taken under this Directive~~***in order to review the effectiveness of their confiscation systems and in line with the methodology developed by the Commission pursuant to paragraph 2. The statistics collected shall be sent to the Commission each year by 31 December of the following year and shall include:*** Council to revert TM5 150092023 TM9 09112023 ITM12 22112023 ITM15 06122023 ITM16 07122023
Article 27(1a)				
273a		***a) the number of freezing orders executed;***		***1a. a) the number of freezing orders executed;*** Council to revert TM5 15092023 TM9 09112023
Article 27(1b)				

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	273b	***b) the number of confiscation orders executed;***		***1b. b) the number of confiscation orders executed;*** Council to revert TM5 15092023 TM9 09112023
	Article 27(1c)			
	273c	***c) the estimated value of property frozen with a view to possible subsequent confiscation at the time of freezing;***		***1c. c) the estimated value of property frozen with a view to possible subsequent confiscation at the time of freezing;*** Council to revert TM5 15092023 TM9 09112023
	Article 27(1d)			
	273d	***d) the estimated value of property recovered at the time of confiscation.***		***1d. d) the estimated value of property recovered at the time of confiscation;*** Council to revert TM5 15092023 TM9 09112023
	Article 27(1e)			
	273e			***1e. e) the number of requests for freezing orders to be executed in another Member State;***

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				Council to revert TM9 09112023
Article 27(1f)				
273f				***1f. f) the number of requests for confiscation orders to be executed in another Member State;*** Council to revert TM9 09112023
Article 27(1g)				
273g				***1g. g) the value or estimated value of the property recovered following execution in another Member State;*** Council to revert TM9 09112023
Article 27(1h)				
273h				***1h. h) the value of confiscated property compared to its value at the time of freezing, where available;*** Council to revert TM9 09112023 ITM16 07122023

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 27(1i)				
273i				***1i. i) the breakdown of the numbers in paragraph 1 (b) and (d) per type of confiscation, where available;*** Council to revert TM9 09112023 ITM16 07122023
Article 27(1j)				
273j				***1j. j) the number of interlocutory sales,where available;*** Council to revert TM9 09112023 ITM16 07122023
Article 27(1k)				
273k				***1k. k) the value of the property destined to be reused for social purposes.*** Council to revert TM9 09112023 ITM16 07122023
Article 27(2)				
274	2. Member States shall ensure that	2. Member States shall ~~*ensure that*~~	2. Member States shall ensure that	2. ~~*Member States shall ensure that*~~

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	the statistics referred to in paragraph 1 are collected on a calendar basis and transmitted to the Commission on an annual basis, by [1 September] of the following year.	~~*the statistics referred to in paragraph 1 are collected on a calendar basis and transmitted*~~ ***also each year send the following statistics*** to the Commission***, if they are available at central level in the Member State concerned:*** ~~*on an annual basis, by [1 September] of the following year.*~~	the statistics referred to in paragraph 1 are collected on a calendar basis and transmitted to the Commission on an annual basis, by [1 September] of the following year. ***The statistics collected shall include at least the following:*** ***(a) the number of asset tracing investigations launched, and the number of asset traced;*** ***(b) the number of freezing orders initiated and number of freezing orders executed;*** ***(c) the number of confiscation orders executed broken down by type of confiscation referred to in Articles 12 to 16;*** ***(d) the value of property frozen;*** ***(e) for the confiscation orders included in a respective annual report, the value of confiscated property compared to the value of that property at the time of freezing;*** ***(f) the number of requests for freezing orders to be executed in another Member State;*** ***(g) the number of requests for confiscation orders to be executed in another Member State;*** ***(h) the value of the property recovered following execution of a confiscation order in another Member State;*** ***(i) the value of the property destined to be reused for law enforcement, prevention or social purposes as referred to in Article***	~~*the statistics referred to in paragraph 1 are collected on a calendar basis and transmitted to the Commission on an annual basis, by [1 September] of the following year*~~***2. The Commission may adopt delegated acts in accordance with Article 30 laying down more detailed rules on the methodology for the collection of the statistics referred to in paragraph 1 and the arrangements for their transmission to the Commission***. Council to revert TM5 15092023 TM9 09112023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			18a; ***(j) the manner in which the confiscated property has been used ; and*** ***(k) for the confiscation orders included in a respective annual report, the length of the procedure from freezing to final disposal.***	
Article 27(2a)				
274a		***a) the number of requests for freezing orders to be executed in another Member State;***		***2a. deleted*** above Council to revert EP to revert TM5 15092023 TM9 09112023
Article 27(2b)				
274b		***b) the number of requests for confiscation orders to be executed in another Member State;***		***2b. deleted*** above Council to revert TM5 15092023 TM9 09112023
Article 27(2c)				
274c		***c) the value or estimated value of the property recovered following execution in another Member State;***		***2c. deleted*** above

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				Council to revert TM5 15092023 TM9 09112023
Article 27(2d)				
274d		***d) the value of confiscated property compared to its value at the time of freezing;***		***2d. deleted*** above Council to revert TM5 15092023 TM9 09112023
Article 27(2e)				
274e		***e) the breakdown of the numbers in paragraph 1 (b) and (d) per type of confiscation;***		***2e. deleted*** above Council to revert TM5 15092023 TM9 09112023
Article 27(2f)				
274f		***f) the number of interlocutory sales.***		***2f. deleted*** above Council to revert TM5 15092023

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				TM9 09112023
Article 27(3)				
275	3. The Commission may adopt delegated acts in accordance with Article 30 laying down more detailed rules on the information to be collected and the methodology for the collection of the statistics referred to in paragraph 1 and the arrangements for their transmission to the Commission.	3. ~~The Commission may adopt delegated acts in accordance with Article 30 laying down more detailed rules on the information to be collected and the methodology for the collection of the statistics~~***Member States shall endevour to collect data*** referred to in paragraph ~~1 and the arrangements for their transmission to the Commission~~***2 at a central level***.	3. The Commission may adopt delegated acts in accordance with Article 30 laying down more detailed rules on the information to be collected and the methodology for the collection of the statistics referred to in paragraph 1 and the arrangements for their transmission to the Commission.	3. ~~The Commission may adopt delegated acts in accordance with Article 30 laying down more detailed rules on the information to be collected and the methodology for the collection of the statistics referred to in paragraph 1 and the arrangements for their transmission to the Commission.~~***deleted*** above (para2) Commission: If the types of information collected are listed in the directive, there is no need for a delegated act on that point; however, a delegated act would still be needed on methodology of collecting and reporting the statistical data. Parliament concurs. Council to revert TM5 15092023 TM9 09112023
CHAPTER VII				
276	CHAPTER VII Cooperation	CHAPTER VII Cooperation	CHAPTER VII Cooperation	CHAPTER VII Cooperation Text Origin: Commission

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Proposal
Article 27a				
276a			***Article 27a*** ***Cooperation network on asset recovery and confiscation*** ***1. A cooperation network on asset recovery and confiscation (the 'network') shall be established to support the Commission and to facilitate the exchange of best practices, and operational cooperation in relation to the implementation of this Directive. The network shall be composed of representatives from asset recovery offices and asset management offices and shall be co-chaired by the Commission and, where appropriate, by Europol. The network shall be convened at regular intervals.*** ***The network shall:*** ***(a) advise the Commission in relation to the implementation of the measures provided for in this Directive;*** ***(b) analyse the national strategies on asset recovery adopted by Member States pursuant to Article 24 in order to identify best practices;*** ***(c) share best practices to improve cooperation with third countries;*** ***(d) facilitate operational cooperation among relevant***	***Article 27a*** ***Cooperation network on asset recovery and confiscation*** ***1. The Commission shall establish a cooperation network on asset recovery and confiscation (the 'network') to facilitate cooperation among asset recovery offices and asset management offices and with Europol in relation to the implementation of this Directive, and to advise the Commission and enable the exchange of best practices in relation to the implementation of the measures provided for in this Directive.*** ***2. Representatives from Europol, Eurojust, from the European Public Prosecutors Office and, where appropriate, from the Anti-Money Laundering Authority (AMLA) may be invited to participate in the meetings of the network.*** new green line TM5 15092023 TM9 09112023 ITM12 22112023 ITM15 06122023

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
			national authories and Europol. ***2. Representatives from Europol, Eurojust, from the European Public Prosecutors Office and, where appropriate, from the Anti-Money Laundering Authority (AMLA) may be invited to participate in the meetings of the network.***	
Article 28				
277	Article 28 Cooperation with EU bodies and agencies	Article 28 Cooperation with EU bodies and agencies	Article 28 Cooperation with ~~*EU*~~***Union*** bodies and agencies	Article 28 Cooperation with ~~*EU*~~***Union*** bodies and agencies Text Origin: EP Mandate TM5 15092023
Article 28(1)				
278	1. Asset recovery offices of Member States shall closely cooperate with the European Public Prosecutor's Office for the purposes of facilitating the identification of instrumentalities and proceeds, or property that may become or is the object of a freezing or confiscation order in proceedings in criminal matters concerning criminal offences for which the European Public Prosecutor's Office exercises its competence.	1. Asset recovery offices of Member States shall***, within their respective competences and in accordance with the applicable legal framework,*** closely cooperate with the European Public Prosecutor's Office for the purposes of facilitating the identification of instrumentalities and proceeds, or property that may become or is the object of a freezing or confiscation order in proceedings in criminal matters concerning criminal offences ~~*for which*~~ ***falling within the competence of*** the European Public	1. Asset recovery offices of Member States shall***, within their respective competences and in accordance with the applicable legal framework,*** closely cooperate with the European Public Prosecutor's Office for the purposes of facilitating the identification of instrumentalities and proceeds, or property that may become or is the object of a freezing or confiscation order in proceedings in criminal matters concerning criminal offences ***falling within the competence of*** for which the European Public	1. Asset recovery offices of Member States shall***, within their respective competences and in accordance with the applicable legal framework,*** closely cooperate with the European Public Prosecutor's Office for the purposes of facilitating the identification of instrumentalities and proceeds, or property that may become or is the object of a freezing or confiscation order in proceedings in criminal matters concerning criminal offences ~~*for which*~~***falling within the competence of*** the European Public

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
		Prosecutor's Office ~~*exercises its competence*~~.	Prosecutor's Office exercises its competence. ***For the purposes of this Directive, when the notion of competent authorities refers to investigating and prosecuting authorities, it shall be interpreted as including the central and decentralised levels of the EPPO with regard to the Member States that participate in the enhanced cooperation on the establishment of the EPPO. Asset recovery offices shall fulfil the obligations under Regulation (EU) 2017/1939, including the obligation to report to the EPPO under Article 24 of that Regulation, the undertaking of measures if instructed as a competent authority under Article 28(1) of that Regulation, and access to information under Article 43(1) of that Regulation.***	Prosecutor's Office ~~*exercises its competence*~~. new green line Text Origin: EP Mandate TM5 15092023 ITM10 13112023 ITM12 22112023 ITM13 27112023 ITM15 06122023
Article 28(2)				
G 279	2. Asset recovery offices shall cooperate with Europol and Eurojust, in accordance with the areas of their competence, for the purposes of facilitating the identification of instrumentalities and proceeds, or property that may become or is the object of a freezing or confiscation order made by a competent authority in the course of criminal proceedings, and where necessary to prevent, detect or	2. Asset recovery offices shall cooperate with Europol and Eurojust, in accordance with the areas of their competence, for the purposes of facilitating the identification of instrumentalities and proceeds, or property that may become or is the object of a freezing or confiscation order made by a competent authority in the course of ~~*criminal*~~ proceedings~~*, and where necessary to prevent, detect or*~~	2. Asset recovery offices shall cooperate with Europol ~~*and Eurojust, in accordance with the areas of their competence,*~~ for the purposes of facilitating the identification of instrumentalities and proceeds, or property that may become or is the object of a freezing or confiscation order made by a competent authority in the course of ***proceedings in*** criminal ~~*proceedings*~~***matters***, and where	2. Asset recovery offices ***and asset management offices*** shall cooperate with Europol and Eurojust, in accordance with the areas of their competence~~,~~ for the purposes of facilitating the identification of instrumentalities and proceeds, or property that may become or is the object of a freezing or confiscation order made by a competent authority in the course of ~~*criminal*~~ proceedings~~*, and where necessary to*~~ G

	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	investigate criminal offences related to the violation of Union restrictive measures.	~~*investigate*~~ ***in*** criminal ~~*offences related to the violation of Union restrictive measures*~~***matters***.	necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures.	~~*prevent, detect or investigate*~~ ***in*** criminal ~~*offences related to the violation of Union restrictive measures*~~***matters, to facilitate the management of frozen and confiscated assets***. new green line TM5 15092023 ITM10 13112023
Article 28(2a)				
279a			***2a. Asset recovery offices and asset management offices shall closely cooperate with Eurojust for the purpose of facilitating the asset recovery process in accordance with Eurojust's mandate, including, but not limited to the tracing and identification of instrumentalities and proceeds, or property that may become or is the object of a freezing or confiscation order made by a competent authority in the course of proceedings in criminal matters and subsequent disposal, including in the course of the investigation and prosecution of criminal offences related to the violation of Union restrictive measures.***	***2a. deleted*** new green line TM5 15092023 ITM 10 13112023
Article 29				
280	Article 29	Article 29	Article 29	Article 29

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
	Cooperation with third countries	Cooperation with third countries	Cooperation with third countries	Cooperation with third countries Text Origin: Commission Proposal
Article 29(1)				
281	1. Member States shall ensure that asset recovery offices cooperate with their counterparts in third countries to the greatest extent possible, and subject to the applicable data protection legal framework, for the purposes of performing the tasks pursuant to Article 5, and where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures.	1. Member States shall ensure that asset recovery offices cooperate, ***within the framework of existing cooperation agreements,*** with their counterparts in third countries to the greatest extent possible, and subject to the applicable ***legal framework on*** data protection ~~*legal framework*~~, for the purposes of performing the tasks pursuant to Article 5~~*, and where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures*~~.	1. Member States shall ensure that asset recovery offices cooperate with their counterparts in third countries to the greatest extent possible, and subject to the applicable data protection legal framework, for the purposes of performing the tasks pursuant to Article 5, and where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures.	1. Member States shall ensure that asset recovery offices cooperate, ***within the international legal framework,*** with their counterparts in third countries to the greatest extent possible, and subject to the applicable ***legal framework on*** data protection ~~*legal framework*~~, for the purposes of performing the tasks pursuant to Article 5~~*, and where necessary to prevent, detect or investigate criminal offences related to the violation of Union restrictive measures.*~~ new green line TM5 15092023 ITM10 13112023
Article 29(2)				
282	2. Member States shall ensure that asset management offices cooperate with their counterparts in third countries to the greatest extent possible for the purposes of performing the tasks pursuant to Article 21.	2. Member States shall ensure that asset management offices cooperate, ***within the framework of existing cooperation agreements,*** with their counterparts in third countries to the greatest extent possible, ***and subject to the applicable legal framework on data protection,*** for the purposes	2. Member States shall ensure that asset management offices cooperate with their counterparts in third countries to the greatest extent possible for the purposes of performing the tasks pursuant to Article 21.	2. Member States shall ensure that asset management offices cooperate, ***within the international legal framework,*** with their counterparts in third countries to the greatest extent possible, ***and subject to the applicable legal framework on data protection,*** for the purposes of

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		of performing the tasks pursuant to Article 21.		performing the tasks pursuant to Article 21. new green line Text Origin: Council Mandate ITM10 13112023 ITM12 22112023
CHAPTER VIII				
G 283	CHAPTER VIII final provisions	CHAPTER VIII Final provisions	CHAPTER VIII final provisions	CHAPTER VIII Final provisions Text Origin: Commission Proposal
Article 30				
Y 284	Article 30 Exercise of the delegation	*deleted*	Article 30 Exercise of the delegation	Council's proposal for deletion is connected to Article 27, paragraph 3. Council to confirm that the standard wording does not need to be modified. CON to revert as it's related to Art27(statistics) Council to revert TM5 15092023 ITM10 13112023
Article 30(1)				
Y 285	1. The power to adopt delegated		*1.* The power to adopt delegated	1. The power to adopt delegated

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	acts is conferred on the Commission subject to the conditions laid down in this Article.	*deleted*	acts is conferred on the Commission subject to the conditions laid down in this Article.	acts is conferred on the Commission subject to the conditions laid down in this Article. Text Origin: Commission Proposal
Article 30(2)				
286	2. The power to adopt delegated acts referred to in Article 27 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Directive].	*deleted*	*2.* The power to adopt delegated acts referred to in Article 27 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Directive].	2. The power to adopt delegated acts referred to in Article 27 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Directive]. Text Origin: Commission Proposal
Article 30(3)				
287	3. The delegation of power referred to in Article 27 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	*deleted*	*3.* The delegation of power referred to in Article 27 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article 27 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. Text Origin: Commission Proposal

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Article 30(4)				
288	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	*deleted*	*4.* Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. Text Origin: Commission Proposal
Article 30(5)				
289	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	*deleted*	*5.* As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. Text Origin: Commission Proposal
Article 30(6)				
290	6. A delegated act adopted pursuant to Article 27 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament	*deleted*	*6.* A delegated act adopted pursuant to Article 27 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament	6. A delegated act adopted pursuant to Article 27 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament

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	and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.		and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.	and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council. Text Origin: Commission Proposal
Article 31				
291	Article 31 Designated competent authorities and contact points	Article 31 Designated competent authorities and contact points	Article 31 Designated competent authorities and contact points	Article 31 Designated competent authorities and contact points Text Origin: Commission Proposal
Article 31(1)				
292	1. Member States shall inform the Commission about the authority or authorities designated to carry out the tasks pursuant to Articles 5 and 21.	1. Member States shall inform the Commission about the authority or authorities designated to carry out the tasks pursuant to Articles 5 and 21.	1. Member States shall inform the Commission about the authority or authorities designated to carry out the tasks pursuant to Articles 5 and 21.	1. Member States shall inform the Commission about the authority or authorities designated to carry out the tasks pursuant to Articles 5 and 21. Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 31(2)				
293	2. Where a Member State has more than two authorities charged with the tasks pursuant to Articles 5 and 21, it	2. Where a Member State has more than two authorities charged with the tasks pursuant to Articles 5 and 21, it	2. Where a Member State has more than two authorities charged with the tasks pursuant to Articles 5 and 21, it	2. ~~*Where a Member State has more than two authorities charged with the tasks pursuant to Articles 5 and*~~

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	shall nominate a maximum of two contact points to facilitate cooperation in cross-border cases.	shall nominate a maximum of two contact points ***for the purpose of each of these tasks*** to facilitate cooperation in cross-border cases. ***Such contact points do not themselves have to be charged with the tasks pursuant to Articles 5 or 21.***	shall nominate a maximum of two contact points to facilitate cooperation in cross-border cases.	~~21, it shall nominate~~***Member States shall nominate a maximum of two contact points to facilitate cooperation in cross-border cases among asset recovery offices and*** a maximum of two contact points to facilitate cooperation ~~in cross-border cases~~***among asset management offices.Such contact points do not themselves have to be charged with the tasks pursuant to Articles 5 or 21***. new green line TM5 15092023 ITM10 13112023 ITM12 22112023
Article 31(3)				
R 294	3. By [... months after the entry into force of this Directive] at the latest, Member States shall notify the Commission of the competent authority or authorities as well as the contact points referred to in paragraphs 1 and 2 respectively.	3. By [~~...~~***24 months after the entry into force of this Directive***~~months after the entry into force of this Directive~~] ~~at the latest~~, Member States shall notify the Commission of the competent authority or authorities as well as***, where relevant,*** the contact points referred to in paragraphs 1 and 2 respectively.	3. By [... months after the entry into force of this Directive] at the latest, Member States shall notify the Commission of the competent authority or authorities as well as the contact points referred to in paragraphs 1 and 2 respectively.	3. By [~~...~~***6*** months ***after the expiration of the period for transposition of this Directive*** ~~after the entry into force of this Directive~~] ~~at the latest~~, Member States shall notify the Commission of the competent authority or authorities as well as***, [where relevant],*** the contact points referred to in paragraphs 1 and 2 respectively. trilogue Text Origin: Council Mandate ITM10 13112023 ITM12 22112023 ITM15 06122023

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
Article 31(4)				
295	4. By [...months after the entry into force of this Directive] at the latest, the Commission shall set up an online register listing all competent authorities and the designated contact point for each competent authority. The Commission shall publish and regularly update on its website the list of authorities referred to in paragraph 1.	4. By [~~...~~***24 months after the entry into force of this Directive***~~months after the entry into force of this Directive~~] ~~at the latest~~, the Commission shall set up an online register listing all competent authorities and the designated contact point for each competent authority. The Commission shall publish and regularly update on its website the list of authorities referred to in paragraph 1.	4. By [...months after the entry into force of this Directive] at the latest, the Commission shall set up an online register listing all competent authorities and the designated contact point for each competent authority. The Commission shall publish and regularly update on its website the list of authorities referred to in paragraph 1.	4. By [~~...~~***6*** months ***after the expiration of the period for transposition of this Directive*** ~~after the entry into force of this Directive~~] ~~at the latest~~, the Commission shall set up an online register listing all competent authorities and the designated contact point for each competent authority. The Commission shall publish and regularly update on its website the list of authorities referred to in paragraph 1. CON (21/11): ok for 6 months only if transposition period from 36 months Commission suggests it needs additional ca. 6 months over the transposition deadline . trilogue Text Origin: Council Mandate ITM10 13112023 ITM12 22112023 ITM15 06122023
Article 32				
296	Article 32 Transposition	Article 32 Transposition	Article 32 Transposition	Article 32 Transposition Text Origin: Commission

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Proposal
Article 32(1)				
R	297 1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date of entry into force + 1 year]. They shall forthwith transmit to the Commission the text of those provisions.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [***date of entry into force + 36 months*** ~~*date of entry into force + 1 year*~~]. ~~-~~ They shall ~~*forthwith transmit to the Commission*~~***immediately communicate*** the text of those ~~*provisions*~~***measures to the Commission***.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date of entry into force + 1 year]. They shall forthwith transmit to the Commission the text of those provisions.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [***date of entry into force + 36 months*** ~~*date of entry into force + 1 year*~~]. ~~-~~ They shall ~~*forthwith transmit to the Commission*~~***immediately communicate*** the text of those ~~*provisions*~~***measures to the Commission***. EP proposing a compromise of 24 months if register (Article 26) agreed by co-legislators, otherwise 12 months. trilogue Text Origin: Council Mandate	R
Article 32(2)				
G	298 2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made. Text Origin: Commission Proposal	G

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				Confirmation during the trilogue on 3 October 2023
Article 33				
299	Article 33 Reporting	Article 33 Reporting	Article 33 Reporting	Article 33 Reporting Text Origin: Commission Proposal
Article 33(1)				
300	1. The Commission shall, by [date of entry into force + 3 years], submit a report to the European Parliament and to the Council, assessing the implementation of this Directive.	1. The Commission shall, by [~~*date of entry into force + 3 years*~~***two years after the transposition period of this Directive is over***], submit a report to the European Parliament and to the Council, assessing the implementation of this Directive.	1. The Commission shall, by [***date of entry into force + three years***~~*date of entry into force + 3 years*~~], submit a report to the European Parliament and to the Council, assessing the implementation of this Directive. ***That report shall include a detailed assessment of the possibility and benefits of interconnecting the centralised registries referred to in Article 26 through a single access point in order to allow asset recovery offices to directly and immediately search the data contained therein, subject to relevant safeguards.***	1. The Commission shall, by [~~*date of entry into force + 3 years*~~***two years after the transposition period of this Directive is over***], submit a report to the European Parliament and to the Council, assessing the implementation of this Directive. new green line Text Origin: Council Mandate ITM10 13112023
Article 33(2)				
301	2. The Commission shall, by [date of entry into force + 5 years], submit a report to the European Parliament and to the Council evaluating this	2. The Commission shall, by [~~*date of entry into force + 5 years*~~***five years after the transposition period of this Directive is over***], submit a	2. The Commission shall, by [***date of entry into force + four years***~~*date of entry into force + 5 years*~~], submit a report to the European Parliament	2. The Commission shall, by [~~*date of entry into force + 5 years*~~***five years after the transposition period of this Directive is over***], submit a

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	Directive. The Commission shall take into account the information provided by Member States and any other relevant information related to the transposition and implementation of this Directive. On the basis of this evaluation, the Commission shall decide on appropriate follow-up actions, including, if necessary, a legislative proposal.	report to the European Parliament and to the Council evaluating this Directive. The Commission shall take into account the information provided by Member States and any other relevant information related to the transposition and implementation of this Directive. On the basis of this evaluation, the Commission shall decide on appropriate follow-up actions, including, if necessary, a legislative proposal.	and to the Council evaluating this Directive. The Commission shall take into account the information provided by Member States and any other relevant information related to the transposition and implementation of this Directive. On the basis of this evaluation, the Commission shall decide on appropriate follow-up actions, including, if necessary, a legislative proposal.	report to the European Parliament and to the Council evaluating this Directive. The Commission shall take into account the information provided by Member States and any other relevant information related to the transposition and implementation of this Directive. On the basis of this evaluation, the Commission shall decide on appropriate follow-up actions, including, if necessary, a legislative proposal. Related to the transposition period. trilogue Text Origin: Council Mandate
Article 34				
G 302	Article 34 Relation with other instruments	Article 34 Relation with other instruments	Article 34 Relation with other instruments	Article 34 Relation with other instruments Text Origin: Commission Proposal TM5 15092023
Article 34(1)				
G 303	1. This Directive is without prejudice to Directive 2019/1153/EU of the European Parliament and of the Council[1]. _____ 1. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June	1. This Directive is without prejudice to Directive 2019/1153/EU of the European Parliament and of the Council[1]. _____ 1. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June	1. This Directive is without prejudice to Directive 2019/1153/EU of the European Parliament and of the Council[1]. _____ 1. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June	1. This Directive is without prejudice to Directive 2019/1153/EU of the European Parliament and of the Council[1]. _____ 1. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June

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	2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA, (OJ L 186, 11.7.2019, p. 122).	2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA, (OJ L 186, 11.7.2019, p. 122).	2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA, (OJ L 186, 11.7.2019, p. 122).	2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA, (OJ L 186, 11.7.2019, p. 122). Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023	
Article 35					
G	304	Article 35 Replacement of Joint Action 98/699/JHA, Framework Decision 2001/500/JHA and 2005/212/JHA, Decision 2007/845/JHA and Directive 2014/42/EU	Article 35 Replacement – of Joint Action 98/699/JHA, Framework Decision 2001/500/JHA and 2005/212/JHA, Decision 2007/845/JHA and Directive 2014/42/EU	Article 35 Replacement of Joint Action 98/699/JHA, Framework Decision 2001/500/JHA and 2005/212/JHA, Decision 2007/845/JHA and Directive 2014/42/EU	Article 35 Replacement of Joint Action 98/699/JHA, Framework Decision 2001/500/JHA and 2005/212/JHA, Decision 2007/845/JHA and Directive 2014/42/EU Text Origin: Commission Proposal TM5 15092023	G
Article 35(1)					
G	305	1. Joint Action 98/699/JHA, Framework Decisions 2001/500/JHA and 2005/212/JHA, Decision 2007/845/JHA and Directive 2014/42/EU are replaced with regard to the Member States bound by this Directive, without prejudice to the obligations of those Member States with regard to the date for transposition of those instruments into national law.	1. Joint Action 98/699/JHA, Framework Decisions 2001/500/JHA and 2005/212/JHA, Decision 2007/845/JHA and Directive 2014/42/EU are replaced with regard to the Member States bound by this Directive, without prejudice to the obligations of those Member States with regard to the date for transposition of those instruments into national law.	1. Joint Action 98/699/JHA, Framework Decisions 2001/500/JHA and 2005/212/JHA, Decision 2007/845/JHA and Directive 2014/42/EU are replaced with regard to the Member States bound by this Directive, without prejudice to the obligations of those Member States with regard to the date for transposition of those instruments into national law.	1. Joint Action 98/699/JHA, Framework Decisions 2001/500/JHA and 2005/212/JHA, Decision 2007/845/JHA and Directive 2014/42/EU are replaced with regard to the Member States bound by this Directive, without prejudice to the obligations of those Member States with regard to the date for transposition of those instruments into national law.	G

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				Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 35(2)				
306	2. With regard to the Member States bound by this Directive, references to instruments referred to in paragraph 1 shall be construed as references to this Directive.	2. With regard to the Member States bound by this Directive, references to instruments referred to in paragraph 1 shall be construed as references to this Directive.	2. With regard to the Member States bound by this Directive, references to instruments referred to in paragraph 1 shall be construed as references to this Directive.	2. With regard to the Member States bound by this Directive, references to instruments referred to in paragraph 1 shall be construed as references to this Directive. Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Article 36				
307	Article 36 Entry into force	Article 36 Entry into force	Article 36 Entry into force	Article 36 Entry into force Text Origin: Commission Proposal TM5 15092023
Article 36, first paragraph				
308	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the ***Official Journal of the European Union*** ~~*Official Journal of the European Union*~~.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the ***Official Journal of the European Union*** ~~*Official Journal of the European Union*~~. Text Origin: Council Mandate Confirmation during the

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
				trilogue on 3 October 2023
Article 37				
309	Article 37 Addressees	Article 37 Addressees	Article 37 Addressees	Article 37 Addressees Text Origin: Commission Proposal TM5 15092023
Article 37, first paragraph				
310	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties. Text Origin: Commission Proposal Confirmation during the trilogue on 3 October 2023
Formula				
311	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal
Formula				
312	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal
Formula				

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	Commission Proposal	Council Mandate	EP Mandate	Draft Agreement
G 313	The President	The President	The President	The President Text Origin: Commission Proposal
Formula				
G 314	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal
Formula				
G 315	The President	The President	The President	The President Text Origin: Commission Proposal

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Council of the European Union
General Secretariat

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Interinstitutional files:
2022/0167 (COD)

Brussels, 07 December 2023

WK 7731/2023 REV 10

LIMITE

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NOTE

From: To:	General Secretariat of the Council Delegations
N° Cion doc.:	ST 9598 2022 ADD 1 + ST 9598 2022 ADD 2 + ST 9598 2022 ADD 3 + ST 9598 2022 INIT
Subject:	Proposal for a Directive of the European Parliament and of the Council on asset recovery and confiscation

Delegations will find in annex a provisional version of the revised four column table following the meetings on 7 December. The fourth column has been drafted by the EP and is under scrutiny by the Presidency.