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From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a Directive of the European Parliament and of the Council on the freezing and confiscation of proceeds of crime in the European Union (**first reading**)
- Adoption of the legislative act (**LA + S**)
= Statements

Statement by the European Parliament and the Council on an analysis to be carried out by the Commission

The European Parliament and the Council call on the Commission to analyse, at the earliest possible opportunity and taking into account the differences between the legal traditions and the systems of the Member States, the feasibility and possible benefits of introducing further common rules on the confiscation of property deriving from activities of a criminal nature, also in the absence of a conviction of a specific person or persons for these activities.

Statement by the European Parliament and the Council on mutual recognition

An effective system of freezing and confiscation in the EU is inherently linked to well functioning mutual recognition of freezing and confiscation orders. Considering the need of putting in place a comprehensive system for freezing and confiscation of proceeds and instrumentalities of crime in the EU, the European Parliament and the Council call on the Commission to present a legislative proposal on mutual recognition of freezing and confiscation orders at the earliest possible opportunity, in relation to which the concept of freezing should be further examined.

The Commission is also called on to address the possible difficulties in the implementation of the instruments on mutual recognition of freezing and confiscation orders, which may arise from the replacement of certain provisions of Framework decision 2005/212/JHA by the corresponding provisions of the Directive on the freezing and confiscation of proceeds of crime in the European Union.
