



**COUNCIL OF
THE EUROPEAN UNION**

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ADDENDUM TO NOTE

From:	Secretariat
To:	Coreper / Council
No. Cion prop.:	7641/12 DROIPEN 29 COPEN 57 CODEC 656
No. prev. doc.:	17287/12 DROIPEN 185 COPEN 272 CODEC 2918
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] - Approval of the final compromise text

In conjunction with the provisional agreement on the text of the draft Directive, the following declaration was provisionally agreed :

Declaration 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."

It is recalled that the following declaration by the European Parliament and the Council was already agreed at the time of the Council general approach :

Declaration regarding 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".