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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

on the application of 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

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1. INTRODUCTION

The main motive for criminal organisations that operate across borders, including high-risk criminal networks, is financial gain. According to Europol's latest European Union Serious and Organised Crime Threat Assessment (EU-SOCTA)[1], published in 2025, organised crime generates billions in profits within the EU every year. This results in an increasing number of victims and generates substantial costs for Member States in responding to and mitigating the damage wrought by such criminal activity. Illicit profits are moved across borders for the purpose of money laundering, allowing criminal organisations to establish a financial base. This, in turn, enables them to continue their criminal activities, fund corruption and infiltrate legitimate economies. The availability of proceeds of crime therefore poses a significant threat to the integrity of the economy and society, eroding the rule of law and fundamental rights.

Against this background, depriving criminals, in particular members if criminal organisations, of the proceeds of their crimes is essential to tackling the serious threat posed by organised crime. Efforts to do so effectively must be significantly stepped up, as confiscation rates within the EU remain very low. This is also important for victims of crime, as freezing and confiscation measures are essential tools for facilitating compensation and the return of property to its legitimate owners.

Regulation (EU) 2018/1805 on the mutual recognition of freezing orders and confiscation orders[2] (the 'Regulation') was adopted in recognition of the fact that effective cross-border cooperation is essential to freezing and confiscating the instrumentalities and proceeds of crime effectively. The Regulation is one of several essential pieces of the wider puzzle that constitutes the EU legal framework for fighting money laundering and organised crime[3] and replaced the less far-reaching Framework Decisions 2003/577/JHA[4] and 2006/783/JHA[5], which now apply only to cooperation with and between Denmark and Ireland.

Based on Article 82(1)(a) of the Treaty on the Functioning of the European Union (TFEU), the Regulation sets out rules that oblige Member States to recognise, without further formalities, freezing orders and confiscation orders issued by other Member States within the framework of proceedings in criminal matters and to execute those orders within their territories. The Regulation presupposes that decisions to be recognised and executed will always be taken in compliance with the principles of legality, subsidiarity and

[1] Available at The changing DNA of serious and organised crime - EU Serious and Organised Crime Threat Assessment 2025 (EU-SOCTA) | Europol.
[2] OJ L 303, 28.11.2018, p. 1.
[3] Instruments that are substantively and operationally interlinked with the Regulation include, among others: Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1); Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation (OJ L, 2024/1260, 2.5.2024); and the EU anti-money laundering *acquis*, in particular 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) (OJ L 141, 5.6.2015, p. 73).
[4] Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence (OJ L 196, 2.8.2003, p. 45).
[5] Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders (OJ L 328, 24.11.2006, p. 59).

proportionality. The Regulation also aims to ensure that the rights of persons affected by the recognition of such orders are upheld in accordance with the Charter of Fundamental Rights of the EU and the EU procedural rights *acquis*[6]. As indicated in its recital 13, the Regulation applies to all freezing and confiscation orders issued within the framework of proceedings in criminal matters. 'Proceedings in criminal matters' is an autonomous concept of Union law interpreted by the Court of Justice of the European Union. The term covers all types of freezing orders and confiscation orders issued following proceedings in relation to a criminal offence. This includes, but is not necessarily limited to, orders falling under the remit of Directive (EU) 2024/1260[7]. By contrast, confiscation orders issued within the framework of proceedings in civil or administrative matters fall outside the scope of the Regulation.

Article 38 of the Regulation requires the Commission to submit a report to the European Parliament, the Council and the European Economic and Social Committee on the application of the Regulation, including information on:

(a) the possibility for Member States to make and withdraw declarations under Articles 4(2) and 14(2);
(b) the interaction between respect for fundamental rights and the mutual recognition of freezing orders and confiscation orders;
(c) the application of Articles 28, 29 and 30 in relation to the management and disposal of frozen and confiscated property, the restitution of property to victims and the compensation of victims.

To compile information on points (a), (b) and (c), the Commission sent Member States a questionnaire. It received replies from 19 of the 25 participating Member States.

This information supplements the statistical data that Member States must regularly collect from their relevant authorities and send to the Commission each year in accordance with Article 35 of the Regulation. Those statistics include the number of freezing orders and confiscation orders received by a Member State from other Member States that were recognised and executed and the number of freezing and confiscation orders that were refused the recognition and/or execution of which were refused.

Member States must also send the following statistics to the Commission where available at central level:

[6] Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1); Directive 2012/13/EU on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1); Directive 2013/48/EU 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 deprived of liberty (OJ L 294, 6.11.2013, p. 1); Directive (EU) 2016/343 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); Directive (EU) 2016/1919 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); corrigendum to Directive (EU) 2016/1919 (OJ L 91, 5.4.2017, p. 40); 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) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation (OJ L, 2024/1260, 2.5.2024).

(a) the number of cases in which a victim was compensated or granted restitution of the property obtained through the execution of a confiscation order under this Regulation; and
(b) the average period required for the execution of freezing orders and confiscation orders under the Regulation.

The Commission notes that not all Member States have fully met the requirements of Article 35. Two Member States have consistently failed to provide data, while six did not provide information for all four years since the Regulation entered into force (2021-2024). The format and comparability of the data received also vary, with some Member States having provided only aggregated data for freezing and confiscation orders.

This report also draws on Eurojust's casework report on Regulation 2018/1805[8], which was published in September 2025, and on research conducted under relevant projects funded by the Justice Programme[9].

The Court of Justice of the European Union has not yet had occasion to issue any judgements on the interpretation of the Regulation, however, a preliminary reference concerning the Regulation, Case C-8/24, is currently pending, with the opinion of Advocate General Richard de la Tour having been delivered on 12 June 2025. Beyond the Regulation itself, the Court has also been called on to interpret the Regulation's predecessor, Framework Decision 2006/783/JHA on the application of the principle of mutual recognition to confiscation orders[10] and EU instruments establish minimum rules on freezing and confiscation measures at national level as well as law enforcement cooperation for the purpose of criminal asset recovery, such as Framework Decision 2005/212/JHA on Confiscation of Crime-Related Proceeds, Instrumentalities and Property[11], Directive 2014/42/EU on asset recovery and confiscation[12] and its successor, Directive (EU) 2024/1260[13]. The Court's case law on these instruments may be considered to be of contextual relevance for the interpretation of the Regulation, for instance where it provides guidance on the interpretation of concepts which are common to all EU criminal asset recovery instruments[14] or on minimum standards for effective remedies which may play a role in determinations by the executing State on the recognition of foreign freezing and confiscation orders[15].

[8] https://www.eurojust.europa.eu/publication/eurojust-report-regulation-20181805-mutual-recognition-freezing-and-confiscation-september2025.
[9] For details on the justice programme, see https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/justice-programme_en.
[10] See, for instance, the recent Judgment of the Court (Fifth Chamber) of 29 January 2026, *Munik*, Case C-562/24, EU:C:2026:55.
[11] 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, pp. 49).
[12] 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, pp. 39).
[13] Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation (OJ L, 2024/1260, 2.5.2024).
[14] While the Court's judgement in Case C-655/24, Latranov, is still pending, the Opinion of Advocate General Sánchez-Bordona of 11 December 2025 (EU:C:2025:969) already discussed the interpretation of the concept of 'instrumentalities' in the context of EU criminal asset recovery.
[15] See, for instance, Judgment of the Court (First Chamber) of 14 January 2021, *OM*, Case C-393/19, EU:C:2021:8.

2. GENERAL POINTS OF ASSESSMENT

Since it entered into force, the Regulation has facilitated the recognition and enforcement of thousands of freezing and confiscation orders. Based on the statistics notified to the Commission in accordance with Article 35 of the Regulation, over 2 700 freezing orders were recognised between December 2021 and December 2024, with more than 1500 reported as executed. For confiscation orders, more than 800 requests were recognised, of which 370 were reported as executed. The number of freezing and confiscation requests received by any one Member State differs widely, with half a dozen Member States consistently accounting for more than two thirds of all such requests received.

At the same time, Member States reported more than 200 refusals to recognise and/or execute freezing orders and more than 100 refusals to recognise and/or execute confiscation orders. In addition, Eurojust indicated that it had been asked to intervene to facilitate cooperation in more than 900 cases during the reference period (2021-2024). Indeed, Eurojust's casework report and the Member States' responses to the Commission's targeted questionnaire confirm that questions and challenges concerning the application of the Regulation remain. In this context, the present report highlights specific aspects of the Regulation and their application in practice.

2.1. General matters

By its very nature, the Regulation is, in principle, directly applicable and does not require transposition into national law. Nevertheless, Member States may adopt implementing measures to facilitate its application. Such measures must not prejudice the Regulation's direct applicability.

Of the 19 Member States that responded to the Commission's questionnaire on the Regulation, 17 have adopted legislative or practical implementation measures to facilitate its application in their legal systems. Such measures include, for instance:

1) implementing legislation that clarifies the position and functioning of the Regulation in relation to pre-existing EU *acquis* and national law;
2) legislative amendments to lay down national rules on matters left to the procedural autonomy of the Member States[16] and/or to ensure that national law does not contradict or impede the application of the Regulation;
3) handbooks and other guidance documents for national practitioners on the recognition and execution of freezing and confiscation orders.

Furthermore, 12 Member States indicated that they have some form of national mechanism in place to monitor the use and effective application of the Regulation.

2.2. Time limits and response times (Articles 9 and 20; Articles 7(2) and 18(5))

Articles 9 and 20 of the Regulation lay down the time limits within which foreign freezing and confiscation orders must be recognised and executed. For freezing orders, the executing

[16] For instance, the adoption of rules under national law on effective remedies in accordance with Article 33 of the Regulation.

authority must decide on recognition and execution and execute the order without delay and with the same speed and priority as in a similar domestic case. For confiscation orders, the executing authority must decide on recognition and execution without delay and no later than 45 days after receipt.

11 Member States reported that, when acting as the issuing State, they had occasionally encountered cases in which the time limits for recognising and executing a freezing or confiscation order had not been respected. 9 Member States indicated that they had encountered issues in meeting the time limits when acting as the executing State. In most such cases, the delays appear to have resulted from the need to request additional information from the issuing State or to verify information required for execution. One Member State also indicated that delays were sometimes linked to the high workload of the competent authorities. In general, however, the time limits seem to be met.

Eurojust reports that the average time taken by the authorities in the Member States to recognise and execute freezing orders ranges from 10 days to several months[17]. In its report, Eurojust identifies the lack of specific time limits in the Regulation for recognising non-urgent freezing orders as a reason for this significant divergence in the speed of execution. Article 9 of the Regulation does not specify a number of days but only states that orders must be executed '*without delay and with the same speed and priority as for a similar domestic case*'.

For urgent freezing requests, meaning requests where there are legitimate grounds to fear imminent dissipation of the property, the Regulation sets a much stricter response time: 48 hours for the decision on recognition and a further 48 hours for the execution of that decision. Member States did not report any particular difficulties in complying with these time limits for urgent freezing requests. However, Eurojust reports[18] that Member States' interpretations of 'urgency' differ, with some applying the concept more broadly than others.

12 Member States indicated that, when acting as the issuing State, they had occasionally encountered issues with the timely reporting by executing authorities on the recognition and execution of freezing and confiscation orders in accordance with Articles 7(2) and 18(5) of the Regulation. In some cases, they had experienced delays of up to six months or had not received any relevant communication at all. Most Member States affected, however, indicated that such delays are not the norm and that compliance with Articles 7 and 18 is generally ensured. Despite this overall high level of compliance, some Member States suggested that the time limits set out in the Regulation are too short and should be adjusted. It was also suggested that the lack of time limits in the Regulation for providing additional information required to make a decision on recognition can lead to disproportionate delays.

2.3. Postponement and impossibility to execute (Articles 10, 13, 21 and 22)

Articles 10, 13, 21 and 22 of the Regulation cover cases where it is temporarily or permanently impossible to execute a freezing or confiscation order. Articles 10 and 21

[17] See Eurojust casework report, p. 14.
[18] Ibid.

provide that execution may be postponed, for instance, in cases where it would undermine an ongoing criminal investigation or where the property in question is already the subject of another order. Articles 13 and 22 govern situations where it is permanently impossible to execute an order. The executing authority may declare execution impossible, for instance, where the property has already been confiscated, cannot be found at the location indicated in the certificate or has otherwise disappeared or been destroyed.

11 Member States provided data on the use of the option under Articles 10 and 21 to postpone the execution of freezing and confiscation orders. A handful of these Member States indicated that their competent authorities had postponed the execution of a freezing order because the property was already the subject of an existing order issued by another Member State (Article 10(1)(b)) or because it was the subject of an existing domestic order that had priority under national law (Article 10(1)(c)). In at least one Member State, the latter situation is relatively common. Eurojust reports[19] that this mostly arises when cross-border fraud offences are investigated in the issuing State and the related money laundering offences in the executing State.

No Member State reported having postponed execution of a confiscation order in accordance with Article 21.

The same 12 Member States also provided information on cases where it was impossible to execute a freezing or confiscation order (Articles 13 and 22). For freezing orders, one Member State reported an instance in which an order could not be executed because the property had already been confiscated (Article 13(3)(a)). 7 Seven Member States had encountered cases in which the property had disappeared (Article 13(3)(b)) or could not be found (Article 13(3)(d)). 2 Member States reported requests concerning property that had been destroyed (Article 13(3)(c)), and 4 reported instances in which property could not be located because the information in the freezing certificate was not sufficiently precise (Article 13(3)(e)). One Member State indicated that, in general, for about 60 per cent of freezing requests the property at issue typically cannot be located or the amount of money or value of other property found is negligeable. 7 other Member States reported similar experiences.

For confiscation requests, the number of cases in which it was impossible to execute an order appears to be significantly lower. Only 4 Member States had encountered such cases. These concerned property that had disappeared (Article 22(3)(b), reported by 2 Member States), property that had been destroyed (Article 22(3)(c), reported by one Member State), property that could not be found (Article 22(3)(d), reported by 2 Member States) and property that could not be located due to insufficiently precise information in the confiscation certificate (Article 22(3)(e), reported by 2 Member States).

[19] See Eurojust casework report, p. 15.

2.4. Communication between competent authorities and with affected persons (Articles 25 and 32)

Article 25 of the Regulation requires issuing and executing authorities to consult each other to ensure the efficient application of the Regulation, using direct communication and, where appropriate, involving their central authorities.

9 Member States reported challenges relating to communication between competent authorities. All Member States confirmed that consultations can take place through direct, informal contact between competent authorities (i.e. by email or telephone), either with or without the involvement of their designated central authorities. However, some Member States pointed out limitations regarding the volume and type of data that can or should be sent by email. Several Member States indicated that they had worked with Eurojust and the European Judicial Network to facilitate coordination in urgent cases, particularly because the response times of certain types of competent authorities, such as courts, were often slow. Language barriers, failure to confirm message receipt and difficulties in identifying the right contact points were also indicated as obstacles to efficient consultations. Eurojust confirmed that, in several cases, it had been asked to assist in identifying the competent authorities in the requested Member State. Eurojust reports, for instance, that, in some Member States, when a freezing order targets several assets located in different areas of the same country – such as bank accounts opened with different banks – multiple authorities must be contacted for the execution of the same certificate[20].

Two Member States also pointed out difficulties in complying with the obligation under Article 32 of the Regulation to inform affected persons of the execution of a freezing order, or of a decision to recognise and execute a confiscation order, and of any assistance the executing authority may request from the issuing authority in this context. This obligation is particularly challenging when the affected person is not located in either the issuing or the executing Member State.

Another issue noted was the need to reconcile information requirements with the confidentiality of the investigations. Article 11(2) of the Regulation confirms that the executing authority must inform affected persons as soon as a freezing order has been executed, in accordance with Article 32. However, Article 11(3) clarifies that the issuing authority may ask the executing authority to postpone informing affected persons to protect ongoing investigations. As Eurojust confirms[21], this has caused problems for at least one Member State whose national law conflicts with the Regulation in this respect in that it does not allow derogations from the requirement to inform affected persons immediately.

2.5. Costs (Article 31)

Article 31 of the Regulation requires each Member State to bear its own costs resulting from the application of the Regulation. It does, however, permit the executing authority to submit a proposal for the sharing of large or exceptional costs.

[20] Ibid. p. 10.
[21] Ibid. pp.15-16.

2 Member States reported that their competent authorities sometimes incur large or exceptional costs when executing freezing or confiscation orders under the Regulation. They also highlighted that management costs in particular can become disproportionately high when freezing requests are not followed by a final confiscation decision in the issuing Member State within a reasonable period.

In most Member States, however, such cases appear to be relatively rare. 6 Member States reported never having incurred large or exceptional costs. Only 2 Member States provided anecdotal accounts of challenges in negotiating such cost-sharing agreements in accordance with Article 31(2).

More generally, several Member States noted that in a number of cases they had received freezing requests where the value of the assets found was so low that the resources required to freeze and confiscate them were disproportionate. They criticised the fact that the Regulation does not allow for such requests to be refused solely on the grounds that the recovery costs are disproportionate to the value of the property.

2.6. Other issues

In addition to the issues discussed in sections 2.1 to 2.5, Member States noted certain further challenges that are not strictly related to the application of the Regulation, but which are interlinked with it. One such issue concerns the lack of a legal basis for issuing freezing requests for the sole purpose of victim compensation, without a confiscation decision being pursued – something which is provided for in the legal system of some Member States. Such requests are not covered by the Regulation, which defines a 'freezing order' as 'a decision issued or validated by an issuing authority in order to prevent the destruction, transformation, removal, transfer or disposal of property with a **view to the confiscation thereof**'.

Another issue that has been reported by Member States is a lack of a dedicated EU legal basis for requesting investigative measures to identify, trace and secure assets after a conviction. Directive (EU) 2024/1260 explicitly requires Member States to facilitate cooperation between Asset Recovery Offices (AROs) for the purpose of asset-tracing investigations, including after a conviction. The Directive on the European Investigation Order[22] (EIO Directive), governs judicial cooperation for the purpose of obtaining evidence. However, some Member States have posed the question whether these tools are sufficient to ensure effective asset recovery during the post-conviction phase of criminal proceedings. At the Justice and Home Affairs Council meeting on 9 December 2025, Belgium specifically raised this matter.

The Commission has also been made aware by Member States of a lack of clarity for practitioners on the intended interplay between the Regulation and the other EU instruments in the area of criminal asset recovery. Such instruments include not only the EIO Directive and the revised Asset Recovery Directive, but also instruments regulating access to financial information[23] and anti-money laundering mechanisms[24].

[22] Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1).
[23] 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).

Finally, it has been noted that some Member States impose conditions or requirements for cooperation that are not supported by the Regulation. This includes, for instance, the requirement for a freezing request to be renewed and the underlying order to be reissued or reconfirmed by the competent authorities in the issuing State at regular intervals in order for the freezing measure to be maintained. This issue has also been highlighted by Eurojust[25], which further notes that some Member States proactively reissue freezing orders and request extensions of freezing measures in the executing State at regular intervals even though this is not required or foreseen by the Regulation.

3. SPECIFIC POINTS OF ASSESSMENT IN ACCORDANCE WITH ARTICLE 38

3.1. Possibility to make and withdraw declarations under Articles 4(2) and 14(2)

Article 4 of the Regulation governs the transmission of freezing orders. Paragraph 2 of that Article provides that Member States may declare that, when a freezing certificate is sent to them for recognition or execution of a freezing order, the issuing authority must also attach the original freezing order or a certified copy. The same applies to confiscation orders under Article 14(2) of the Regulation.

16 Member States have made a declaration in accordance with Article 4(2). The same Member States have also made declarations in accordance with Article 14(2). However, not all of these declarations state that the issuing authority should always send the original freezing or confiscation order together with the certificates. In fact, 2 Member States explicitly state that this is not required, while another Member State allows but does not require its executing authorities to request the original order.

No declarations under Articles 4(2) or 14(2) have been withdrawn.

Eurojust reports that even in cases where Member States have not made a declaration under Articles 4(2) or 14(2), their competent authorities sometimes still request the underlying national freezing or confiscation orders. These requests can be the result of insufficient information in the standard freezing or confiscation certificate[26].

3.2. Interaction between respect for fundamental rights and mutual recognition of freezing orders and confiscation orders (Articles 8 and 19)

As noted in the introduction to this report, the Regulation is based on mutual trust between Member States, which in turn facilitates mutual recognition. However, mutual trust does not imply that all requests for judicial cooperation must always be recognised and executed. The Regulation sets out optional grounds for refusing recognition and/or execution of freezing

[24] See, in particular, Directive (EU) 2024/1640 of the European Parliament and of the Council of 31 May 2024 on the mechanisms to be put in place by Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Directive(EU) 2019/1937, and amending and repealing Directive (EU) 2015/849 (OJ L, 2024/1640, 19.6.2024).
[25] See Eurojust casework report p. 14.
[26] See Eurojust casework report, p.9.

and confiscation orders (Articles 8 and 19), in order to, among other purposes, ensure respect for the fundamental rights of persons affected by such requests.

Several of the grounds for refusal set out in Articles 8 and 19 of the Regulation, such as those linked to the principle of *ne bis in idem* and trials *in absentia* (Articles 8(1)(a) and 19(1)(a) and (g)), have a fundamental rights dimension or are relevant to fundamental rights. In addition, Articles 8(1)(f) and 19(1)(h) explicitly provide that the executing State may refuse to recognise or execute a confiscation order if, 'in exceptional situations, there are substantial grounds to believe, on the basis of specific and objective evidence, that the execution of the freezing order or confiscation order would, in the particular circumstances of the case, entail a manifest breach of a relevant fundamental right as set out in the Charter, in particular the right to an effective remedy, the right to a fair trial or the right of defence'.

In its questionnaire, the Commission asked the Member States to confirm the number of cases in which each of the specific grounds for refusal set out in the Regulation (Articles 8 and 19) had been applied. The responses suggest that so far, most of these grounds have only been used only to a limited extent.

For freezing orders, 13 Member States provided disaggregated information on the grounds for refusal invoked by their competent authorities to date. Of those, only one Member State indicated that its competent authorities had invoked the ground for refusal based on the principle of *ne bis in idem* (Article 8(1)(a)), and one Member State stated that it had refused a freezing order on the grounds that the conduct in relation to which the order had been issued did not constitute a criminal offence under its law (Article 8(1)(e)). The number of cases in which these grounds were invoked was in the single digits. The grounds for refusal based on privileges or immunities (Article 8(1)(b)), the extraterritorial nature of the offence (Article 8(1)(d)) and fundamental rights concerns (Article 8(1)(f)) were not invoked at all.

However, one Member State that was unable to provide concrete data on the refusal of freezing requests underlined that its authorities had frequently encountered cases in which affected persons relied on fundamental rights arguments when seeking such refusals.

Eurojust also reports[27] having encountered cases in which executing authorities have effectively refused to recognise or execute freezing orders on the basis of a perceived undue interference with the rights of affected third parties. This includes cases in which fraudulently acquired goods were quickly resold to another person. The Regulation allows Member States to refuse to recognise or execute confiscation orders where the rights of affected persons would make it impossible under the law of the executing State to execute the confiscation order. For freezing orders, however, no such ground for refusal exists. Eurojust indicates that, at least in some cases, the executing authorities have nevertheless found ways of refusing recognition on this basis, such as by formally invoking another ground for refusal instead, such as that the freezing certificate was incomplete (Article 8(1)(c)) or by relying on broader arguments relating to fundamental rights and proportionality, without clearly indicating the ground for refusal being invoked.

The only ground for refusal invoked by several Member States was the incompleteness or incorrect completion of the freezing certificate (Article 8(1)(c)). This ground also appears to

[27] See Eurojust casework report, p. 16.

account for the bulk of all refusals. In one Member State, 31 refusals were linked to incomplete or incorrect certificates.

Issues reported include incorrect or outdated information on the assets to be frozen or their location, and problems with the quality of translations of the freezing certificates. Eurojust confirms that the quality of translations of the standard certificates is frequently poor and has often required its intervention to clarify resulting misunderstandings[28]. In this context, one Member State specifically stressed the importance of requested authorities consulting with requesting authorities before refusing a request, as required by the Regulation, to allow the latter to remedy any issues identified.

A similar picture emerges for confiscation orders. 11 Member States provided disaggregated information on the grounds for refusal under the Regulation applied by their competent authorities so far. Only one Member State indicated that its competent authorities had invoked the grounds for refusal based on the principle of *ne bis in idem* (Article 19(1)(a)); one had invoked the existence of privileges or immunities (Article 19(1)(b)); and one the fact that the rights of affected persons made it impossible under that Member State's law to execute the confiscation order (Article 19(1)(e)). As with the refusal of freezing requests, the number of cases in which these grounds were invoked was in the single digits. The ground for refusal based on the extraterritorial nature of the offence (Article 19(1)(d)) was not invoked at all. Three Member States refused to recognise confiscation orders linked to conduct that does not constitute a criminal offence under their law (Article 19(1)(f)). Two Member States refused recognition on grounds related to the affected person having been tried *in absentia* (Article 19(1)(g)).

The most frequently used ground for refusal was the submission of incomplete or incorrect confiscation certificates (Article 19(1)(c)). Seven Member States reported invoking this ground for refusal. However, the number of affected cases seems to be lower than for freezing requests. Fundamental rights concerns as such (Article 19(1)(h)) were only invoked in two Member States as a ground for refusal, with fewer than five cases reported.

The interpretation of the grounds for refusal based on fundamental rights concerns, as set out in Article 19(1)(h) has been raised in the preliminary reference to the Court of Justice in Case C-8/24. This case concerns judicial cooperation under the Regulation between Croatia and Slovenia. The Court was asked to clarify whether the Regulation precludes the recognition of a confiscation order where the person affected by the confiscation did not enjoy certain procedural rights. The opinion of Advocate General Richard de la Tour was delivered on 12 June 2025[29]. The Advocate General concluded that Article 19(1)(h) of Regulation 2018/1805 must be interpreted as meaning that the recognition and execution of a confiscation order may not be refused, if the person affected was duly served with the order in question, yet failed to claim an available remedy that could have led to a review of compliance with fair trial standards. A final judgment by the Court is, however, still pending.

[28] See Eurojust casework report, p. 9.
[29] Opinion of AG de la Tour of 12 June 2025, Case C-8/24, EU:C:2025:430.

3.3. Management and disposal of frozen and confiscated property, including restitution and compensation (Articles 28, 29 and 30)

Articles 28, 29 and 30 of the Regulation govern the management and disposal of frozen and confiscated assets and the protection of victims' rights.

Article 28 requires Member States to ensure that frozen and confiscated property is managed in a way that prevents depreciation. One key tool for competent authorities to achieve this objective is the possibility to sell frozen property before it is confiscated. This type of pre-confiscation sale, typically referred to as an 'interlocutory sale', is also provided for in Article 20 of the EU's Asset Recovery Directive[30]. Under that Directive, the sale must be subject to stringent safeguards to ensure respect for the rights of affected persons.

No issues were reported in relation to the implementation of Article 29. 4 Member States indicated that they applied different rules to managing property in domestic asset recovery proceedings than those applied in cooperation procedures in accordance with Article 28 of the Regulation. However, these differences were not reported to have caused any issues in practice.

Article 29 governs the restitution of frozen property to victims of crime. Where the competent judicial authorities in the requesting State have decided that specific assets should be returned to a victim, the issuing authority must inform the requested authority of this decision. The requested authority must then return the property in accordance with its own national procedures. Direct transfers of such property to the victim are possible. However, it is essential that the victims' title to the property is not contested, that the property is not required as evidence and that the rights of persons affected by the restitution are not violated in the process.

16 Member States provided information on their experience with the application of Article 29. All but one of these indicated that they had returned frozen property to victims. 5 Member States encountered particular challenges in this regard. One Member State noted, for instance, that it had encountered cases in which the executing Member State insisted that the decision to return frozen property to the victim must be issued by a court in the issuing State. This requirement, however, is not supported by the Regulation, which does not limit the types of authority that can issue such a decision for it to be recognised in accordance with Article 29. Member States and Eurojust[31] also reported that the application of Article 29 is challenging where more than one victim has a claim to the return of property and the frozen property is insufficient to satisfy all the victims' claims, or where there are victims with legitimate claims in multiple jurisdictions. The Regulation does not set out the procedure to be followed in such cases.

Eurojust's report on its casework also highlights that the restitution of frozen property remains operationally complex. In addition to confirming the challenges that arise in cases involving multiple and/or competing victims' claims, Eurojust reports on several cases in which the executing Member State has fully or partially refused to comply with Article 29 of

[30] Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation (OJ L, 2024/1260, 2.5.2024).
[31] See Eurojust casework report, p. 19.

the Regulation, citing conflicting provisions of national law that do not permit the return of frozen property, or at least certain types of such property, before a final confiscation order has been issued[32].

Most of the responding Member States commonly transfer property earmarked for return or compensation directly to the victims, without the issuing State acting as intermediary, although the method of transfer typically varies depending on the circumstances of the case. This is in line with Articles 29 and 30 of the Regulation.

Good practice was reported on the coordination of action under the Regulation with action under Directive 2014/60 on the return of cultural objects[33]. However, Eurojust's casework report notes that the time taken by the executing authorities to actually transfer property to victims, particularly frozen property to be returned under Article 29 of the Regulation, can vary greatly. While in some cases returns have taken less than two months, in others, victims have had to wait more than a year. This is not consistent with the requirement set out in Article 29 for returns to be made as soon as possible.

Article 30 governs the disposal of confiscated assets. The primary rule for such disposal is that enforcing decisions on the restitution of property to victims of crime or their compensation takes precedence. As with Article 29, the issuing State must inform the executing State of such decisions. The executing State must then execute those decisions as soon as possible and transfer the property to the victim either directly or via the issuing Member State. If it is not possible to return the original property taken from a victim but money has been obtained as a result of the execution of a confiscation order relating to that property, the corresponding sum must be transferred to the victim.

Only one Member State reported difficulties in returning confiscated property to victims of crime, and the issue appears to have been operational rather than legal. A similar picture emerges with regard to the use of confiscated assets to compensate victims of crime: only one Member State reported that it had, on rare occasions, experienced issues with the rules under Article 30 on the execution of decisions to compensate victims. Eurojust reports[34], however, that it has encountered cases in which compliance with the rules on disposing of confiscated property for restitution or compensation proved challenging. In the case presented by Eurojust, the difficulty arose from specific features of the national law of the issuing State. The competent authorities in the issuing State adopted decisions on victim compensation, but no confiscation order was issued for the property frozen in the executing State that could have provided a basis for satisfying the compensation claims.

As the vast majority of Member States do not collect information on the number of cases in which restitution or victim compensation has been facilitated, the Commission does not have an overview of how frequently the relevant provisions of the Regulation (i.e. Articles 29 and 30(1)-(5)) are applied.

[32] See Eurojust casework report, p. 19.
[33] Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the 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).
[34] See Eurojust casework report, p. 21.

Where there are no victims' claims to be satisfied or where the value of the property confiscated exceeds those claims, the remainder must be shared between the issuing and executing States. Where money is concerned, the rules are very simple. Any sum above 10 000 euro is to be split equally between these States, unless otherwise agreed. Any sum equal to or lower than 10 000 can be retained by the executing State and does not have to be shared. For property other than money, sharing arrangements can take various forms, including the option to sell the property and share the proceeds equitably, as outlined above. It is also possible for the issuing and executing States to agree that the property should remain in the executing State, for use in the public interest or for social purposes. The option to be applied must be agreed between the Member States involved in each case.

All but one responding Member State confirmed that they applied the default rules for sharing money. The one Member State that reported a different practice indicated that, in rare cases, other informal arrangements had been agreed, as permitted by the Regulation.

4. STAKEHOLDER PROPOSALS

4.1. Member States

In light of the challenges outlined above concerning the application of the Regulation, the Commission asked the Member States whether they see a need to amend the Regulation to enhance its usefulness or ensure its effective application. 8 Member States confirmed that they see such a need. Proposed amendments include, among other things, laying down:

1) specific time limits for recognising and executing freezing orders;
2) a specific time limit for notifying the issuing authority of any circumstances that prevent the immediate recognition or execution of a freezing order;
3) a specific time limit for reporting on the execution of freezing and confiscation orders;
4) a maximum period for which freezing measures may be maintained by the executing State to avoid a disproportionate burden on that State and unnecessarily lengthy interference with the rights of affected persons;
5) a ground for refusal of freezing or confiscation orders relating to low-value assets where the resources required to execute the order are disproportionate to the value of the assets;
6) an explicit ground for refusal of freezing orders on the basis of undue interference with the rights of *bona fide* third parties;
7) a rule requiring the acceptance of freezing certificates in English, at least in urgent cases, with a translation to be supplied as soon as possible;
8) a legal basis for requesting the freezing of assets for the sole purpose of restitution or compensation of victims;
9) a procedure allowing Member States to link requests to seize evidence under an EIO with requests to freeze criminal assets under the Regulation;
10) an option enabling the issuing authority, when sending a freezing request, to explicitly ask the executing authority to conduct further investigations into the property and

financial affairs of a suspect or accused person in the executing State in order to determine whether further property that could or should be confiscated is located in the executing State's territory;

11) a section in the freezing certificate that prompts the issuing authority to specify the type of confiscation (e.g. object confiscation versus value-based confiscation) to which the freezing request relates. It was suggested that this would make it easier for competent authorities to quickly execute freezing orders in the way intended by the issuing authority;
12) a standard form for reporting on the execution of a freezing order.

One Member State also indicated that the application of the Regulation is generally hampered by a lack of harmonisation of national procedures intended to facilitate its application. As noted throughout this report, both the Member States and Eurojust have reported repeated instances in which the degree of procedural autonomy left to the Member States under the Regulation or the failure to amend national law to prevent conflicts with the Regulation might have interfered with its effective application.

Member States were also asked whether they see added value in the development of a soft law measure that provides guidance on how the Regulation interacts with other EU legal instruments that facilitate cooperation for the purpose of criminal asset recovery, such as Directive 2014/41 (EIO Directive) and Directive 2024/1260 (revised Asset Recovery Directive). 15 out of the 19 responding Member States indicated that they do see such added value, particularly with regard to ensuring clarity on the interplay between the Regulation and the revised Asset Recovery Directive. One Member State noted more generally that any measure that promotes a uniform approach among Member States to applying Regulation (EU) 2018/1805 would be beneficial, although it was also noted that any such initiative should minimise any potential burden on national authorities, as also highlighted in the Report of the High-Level Forum on the Future of EU Criminal Justice[35].

One Member State also proposed clarifying the interplay between the Regulation and EU instruments in the area of cooperation in civil matters (e.g. Regulation (EU) 655/2014[36] and Regulation (EU) 1215/2012)[37], which may become relevant, in particular, where criminal proceedings are discontinued and freezing measures under the Regulation must be lifted but there are still victims with civil claims that require the subsequent civil seizure of assets.

The vast majority of responding Member States also support the idea of creating a dedicated, multidisciplinary expert group on criminal asset recovery (with representatives from at least law enforcement and judicial authorities) and/or providing further dedicated EU funding for training practitioners involved in the application of the Regulation.

[35] Available at: https://commission.europa.eu/document/download/606f0f38-12f9-4893-8941-3ac835229bcd_en?filename=JUST_template_comingsoon_standard_16.pdf.
[36] Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters (OJ L 189, 27.6.2014, p. 59).
[37] Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast) (OJ L 351, 20.12.2012, p. 1).

4.2. Eurojust

In its casework report, Eurojust identifies several root causes of challenges in the application of the Regulation. It notes that, in practice, national norms and traditions still prevail at times over the Regulation. Eurojust also criticises the low degree of harmonisation between Member States' legal frameworks, particularly on legal provisions and mechanisms supporting the application of the Regulation where it leaves matters to the procedural autonomy of Member States. This includes divergent approaches to designating competent authorities. Eurojust furthermore identifies challenges in determining the correct interpretation of the Regulation, in particular with respect to autonomous concepts such as 'proceedings in criminal matters' and expresses concerns about the user-friendliness of the standard certificates.

Eurojust therefore calls for clear guidance on the application of certain provisions of the Regulation (such as the provisions of Articles 29 and 30 on restitution and compensation of victims), particularly in complex cases[38]. The casework report also highlights the need to strengthen cooperation between judicial authorities and other authorities involved in the asset recovery chain (such as Financial Intelligence Units (FIUs)).

5. CONCLUSION

The aim of the Regulation is to facilitate efficient and effective criminal asset recovery across borders, particularly in order to tackle cross-border organised crime. It does so by setting out detailed rules on how requests for the recognition of freezing and confiscation orders are to be made and how they are to be handled by the requested Member State. This generates a high degree of legal certainty for practitioners applying this instrument and prevents delays caused by the absence of clear rules on key procedural aspects. Combined with the mandatory use of standard certificates and the maintenance of effective communication routines, judicial cooperation between Member States in criminal asset recovery is streamlined to the greatest extent possible. As such, the Regulation is a widely used key instrument for judicial cooperation in criminal matters. It fulfils a unique and crucial function within the wider EU *acquis* by tackling money laundering, organised crime and terrorist financing and has significantly improved cross-border asset recovery. Nevertheless, there remains room for improvement in increasing the proportion of identified criminal proceeds that are ultimately confiscated or returned to victims of crime or re-used for their benefit.

A number of challenges persist in the effective application of the Regulation. This is also confirmed by Eurojust in its casework report, which highlights that in some cases the Regulation is still not correctly applied and is even challenged with reference to national law.

Many of the issues highlighted in this report and in Eurojust's casework report can be attributed to human error or insufficient familiarity with the legal systems of the other Member States involved. This includes, for instance, cases where cross-border cooperation was hindered or delayed because requests for the recognition of freezing or confiscation orders were sent to the wrong authorities in the executing State or because certificates were

[38] See Eurojust casework report, p.22.

completed incorrectly. The ongoing digitalisation of certificates is expected to address some of these issues. The inclusion of prompts and pre-defined messages should make them more user-friendly and ensure greater consistency between the form and content of requests. Soft law guidance on the application of the Regulation, best practices and increased training for relevant practitioners may also help reduce these obstacles. Most Member States support allocating EU funds specifically for such training.

However, some issues are of a more legal or systemic nature and may need to be addressed at a legislative or political level in the Member States. These include, for instance, the unilateral imposition of conditions for cooperation under national law that are not provided for in the Regulation. They also include recurrent non-compliance with time limits and significant delays between the issuing of freezing requests and the follow up with a request for confiscation. Addressing these types of issues requires, among other things, changes to national law and practice and a review of the resources allocated to the authorities responsible for issuing and executing requests for the recognition of freezing or confiscation orders under the Regulation. The Commission reserves the right to take the necessary measures to ensure full compliance with the Regulation.

Finally, this report shows that there is a need to examine the limitations of the Regulation and the wider context in which it operates. Member States have proposed amendments to the Regulation that they believe would enhance its effectiveness. They have also highlighted that not all phases or elements of the asset recovery procedure are covered by the Regulation or other relevant EU law. This is particularly the case with regards to judicial cooperation for the purpose of post-conviction asset tracing and freezing assets for the purpose of victim compensation without a confiscation order being pursued. The Commission will follow up on the Belgian initiative[39] in this regard. In addition, the intended interplay between the different instruments in the field of criminal asset recovery is not always easy for practitioners to understand. A clear majority of Member States has therefore indicated support for soft law guidance on this matter.

Many Member States have also expressed support for setting up a multidisciplinary expert group on criminal asset recovery that could facilitate a more holistic understanding of the EU criminal asset recovery framework. The Judicial Focus Group on Money Laundering and Asset Recovery recently launched by Eurojust[40] is of particular relevance in this context.

The Commission will reflect on how best to address the challenges identified in this report concerning the application of the Regulation and on the proposals and recommendations made by the Member States and Eurojust to determine the best way forward. In particular, the Commission will endeavour to provide guidance on the application of the Regulation within the broader EU criminal asset recovery framework.

[39] See Section 2.6.

[40] For details, see https://www.eurojust.europa.eu/news/eurojust-meeting-tackles-emerging-trends-money-laundering-and-asset-recovery.