



More effective joint regulation of illicit asset seizure in the EU

News item | 22-03-2024 | 18:00

An amendment to the bill to seize illicit assets without a prior criminal conviction will be introduced. This is necessary to tie in with agreements made at European level in the Confiscation Directive at the end of 2023 on improving the effectiveness of seizing criminal assets in the European Union. Earlier in the Netherlands, advice was sought from the Council of State on a bill to seize criminal assets. That proposal allowed valuables and assets of criminal origin to be confiscated through civil law proceedings without a suspect's prior conviction. Justice and Security Minister Yeşilgöz-Zegerius wrote to the House of Representatives today that this bill will be adapted to a criminal law regime, as agreed in the EU directive. By adopting the same criminal procedure within Europe, cooperation with other EU member states can be improved in the seizure of illicit assets.

“

"Criminal wealth is the lifeblood of organised crime. We are therefore working towards a system-based approach, where seizure without conviction provides a significant acceleration in undermining criminal networks. Thanks to major investigations and the cracking of encrypted communications, we have discovered that many criminals continue to depend on cash, but at the same time we see that a large portion of illegally obtained assets is rapidly channelled internationally to be laundered abroad and invested in new batches of drugs, raw materials for drug production and weapons. Seizure without conviction allows us to move faster. Large sums of cash, properties, luxury cars and other valuable goods can be immediately seized for which suspects cannot indicate a legal origin. As a result, we not only confiscate, but also prevent criminals from using their assets to commit new offences," explains Minister Yeşilgöz.

Implementation of the bill

All EU member states are bound by the obligations of the Confiscation Directive, which has yet to be published. A new bill is being drafted for this purpose in the Netherlands and this will include the proceedings previously known as 'non conviction based confiscation' (NCBC). Under the new bill, this will be an entirely criminal law regime replacing the former NCBC civil law procedure. The details will be discussed

with the concerned parties in the criminal justice chain in the coming months. When finalised, the new bill may be submitted for deliberation and then submitted to the Council of State.

Under current legislation, seizure of illicit assets is only possible after a suspect has been convicted of a criminal offence. Under the new bill, property and money can be seized even without a prior conviction if criminal origin can be proven. This increases the effectiveness of confiscating criminal assets. The strength of the new method lies in reversing the current approach: the focus is now not on the person, but on the asset. Moreover, a significant advantage of the criminal procedure is that European cooperation will be facilitated as every EU member state will soon have the same procedure.

The EU is expected to publish the Confiscation Directive before the summer. The aim is to have the new bill ready for consultation as soon as possible thereafter.

See also

› [Crime that undermines society](#)

Topic

› [Crime and crime prevention](#)

Topic

Ministry responsible

› [Ministry of Justice and Security](#)